FEDERAL REGISTER

VOLUME 20 NUMBER 21

Washington, Saturday, January 29, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, § 6.311 (h) (2) is amended as set out below.

§ 6.311 *Department of Agriculture.*

* * *

(h) *Farmers Home Administration.*

* * *

(2) Two Assistant Administrators.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-895; Filed, Jan. 28, 1955; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 45]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.345 *Navel Orange Regulation 45*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914, 19 F R. 2941) regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for the preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 27, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P s. t., January 30, 1955,

(Continued on p. 637)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

and ending at 12:01 a. m., P s. t., February 6, 1955, is hereby fixed as follows:

(i) District 1. 254,100 boxes;

(ii) District 2: 207,900 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4. Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 28, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F R. Doc. 55-954; Filed, Jan. 28, 1955; 11:52 a. m.]

[Docket No. AO 231-A5]

PART 943—MILK IN THE NORTH TEXAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than February 1, 1955. Any delay beyond that date will seriously threaten the orderly marketing of milk in the North Texas marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued January 18, 1955. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective February 1, 1955 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the North Texas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area, and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (November 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete § 943.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.00 for the months of March through June and plus $2.20 for all other months subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) For each month calculate a utilization percentage (to the nearest whole percentage) by dividing the total pounds of milk received from all producers at approved plants during the second and third preceding months by the total pounds of Class I milk (adjusted to eliminate duplications due to interhandler transfers) disposed of from such plants during the same 2-month period; and

(2) For each percentage that the utilization percentage is less than the minimum percentage listed below for the applicable 2-month period the Class I price shall be increased 3 cents, and for each percentage that the utilization percentage is more than the maximum percentage listed below for such 2-month period the Class I price shall be decreased 3 cents:

PERCENTAGES

2-month period	Minimum	Maximum	Month to which adjustment applies
January-February	123	125	April.
February-March	132	134	May.
March-April	138	140	June.
April-May	142	144	July.
May-June	138	140	August.
June-July	131	133	September.
July-August	123	125	October.
August-September	115	117	November.
September-October	107	109	December.
October-November	108	110	January.
November-December	114	116	February.
December-January	118	120	March.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of January 1955, to be effective on and after February 1, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F R. Doc. 55-890; Filed, Jan. 28, 1955; 8:51 a. m.]

[Lemon Reg. 574]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.681 *Lemon Regulation 574*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F R. 7175) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 26, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P s. t., January 30, 1955, and ending at 12:01 a. m., P s. t., February 6, 1955, is hereby fixed as follows:

(i) District 1. 35 carloads;

(ii) District 2: 215 carloads;

(iii) District 3 Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 27, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F R. Doc. 55-935; Filed, Jan. 28, 1955; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[B. A. I. Order 379, Amdt. 5]

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

HORSES FROM MEXICO

Pursuant to the provisions of section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111) § 92.39 of the regulations governing the importation of certain animals and poultry and certain animal and poultry products (9 CFR, 1953 Supp., 92.39) is hereby amended to read as follows:

§ 92.39 *Horses from Mexico.* (a) Horses offered for importation from Mexico shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Mexican Government showing that said horses have been inspected on the premises of origin in Mexico and found free from evidence of any contagious, infectious, or communicable disease, and, as far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days: *Provided, however* That the Chief of Branch may waive the certificate requirement with respect to any or all horses from Mexico when he finds that such action may be taken without endangering the livestock industry of the United States.

(b) Horses offered for importation from tick-infested areas of Mexico shall be chute inspected, unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If they are found to be apparently free from fever ticks, before entering the United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Chief of Branch. If they are found to be infested with fever ticks they shall be refused entry but may be reoffered for importation after being handled as prescribed in § 92.35 (a) (2) (ii) for cattle from tick-infested areas.

(c) Any horse from Mexico may be detained or quarantined at the port of entry and there subjected to such tests as may be required by the Chief of Branch to determine freedom from disease, and the importer shall be responsible for the care, feed, and handling of such horses during the period of detention or quarantine.

The foregoing amendment imposes stricter requirements on the importation of horses from Mexico in order to more adequately safeguard against the introduction of animals affected with or exposed to any contagious, infectious, or communicable disease. The protection of the livestock industry of the United States demands that this amendment be made effective promptly. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 25th day of January 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator

[F R. Doc. 55-865; Filed, Jan. 28, 1955; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. ER-201]

PART 225—TARIFFS OF LOCAL SERVICE AIRLINES, TRADE AGREEMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of January 1955.

The Conference of Local Service Airlines has petitioned the Board for permission to exchange air transportation for services or goods for advertising purposes; and for an exemption from section 403 of the Civil Aeronautics Act. The local service carriers state that the draft regulation as submitted by them will allow them to obtain advertising for which funds are not presently available, and that such advertising may reasonably be expected to increase the number of revenue passengers produced in areas which are remote and dispersed.

Less than a year after the Civil Aeronautics Act of 1938 became effective, namely in July 1939, the Board adopted a regulation which permitted any air carrier, subject to certain conditions, to exchange air transportation on a space available basis, pursuant to trade agreements for goods or services. Subse-

quently it was found that very few trade agreements were being filed by the carriers; therefore inquiry was made to determine the extent to which such agreements would be useful and to determine whether the practice should be continued. Subsequently this authority was allowed to expire by its terms after a period of one year.

The proposal submitted by the local service carriers is similar in purpose to the prior general authority; however, it would restrict the exchange of air transportation to advertising goods and services and would delete requirement that the transportation be furnished on a space available basis.

The Board believes that there is merit in granting the petition of the local service carriers for the remainder of this calendar year; however, subject to certain conditions and limitations not originally contained in the proposal of the local-service carriers.

The Board believes that in order properly to reflect the transportation provided, and the advertising services received pursuant to the trade agreement, the carrier involved should fully reveal and clearly set forth such information in its regular books of account. Accordingly this regulation provides that air transportation furnished pursuant to a trade agreement shall be valued at the current tariff rate and be carried in the transportation revenue account. Similarly advertising goods and services received must be recorded in the carrier's regular expense accounts. Since, according to the terms of the regulation, transportation will always be furnished at full value, adjustments are required in the event that advertising goods and services received exceed in value the transportation furnished. In such event, to the extent that the balance is not paid in goods, services, or cash, the overage is required to be deducted from the carrier's expense accounts, since in such a case advertising expense will have been overstated to the extent of the overage.

Since this part is being promulgated on a trial basis, the Board believes that the maximum amount of transportation furnished under trade agreements by each carrier should be limited in the aggregate to $25,000, and that the part and all agreements thereunder, may extend only until January 1, 1956.

The carriers affected by these rules have petitioned for this relief, and the rules will act to relieve such carriers from certain restrictions now contained in the Board's regulations and in the act. Other persons are not directly concerned with these rules, and because of the limited amounts involved, and the small impact of the provisions herein on the travelling public, they are of little or no importance to them. For these reasons, the Board finds that notice and public procedure hereon are unnecessary and that these rules may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board finds that, to the extent hereinafter provided, enforcement of the provisions of title IV of the Civil Aeronautics Act of 1938, as amended, and the rules and regulations issued thereunder is or would be an undue burden on local service air carriers, and is not in the public interest.

Accordingly the Civil Aeronautics Board hereby amends the Economic Regulations (14 CFR Chapter I) by adding thereto a new part numbered 225.

Sec.
225.1 Definitions.
225.2 Filing of notice of trade agreement.
225.3 Contents of notice of trade agreement.
225.4 Affidavit by chief financial or other responsible officer of local service airline.
225.5 Provisions of agreements.
225.6 Limitation on total value of trade agreements.
225.7 Suspension or termination of trade agreements by the Board.
225.8 Exemption from tariff and other requirements.
225.9 Furnishing of transportation.
225.10 Accounts and records.
225.11 Value of air transportation.
225.12 Value of advertising goods and services.

AUTHORITY: §§ 225.1 to 225.12 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 403, 404, 416, 52 Stat. 992, 993, 1004; 49 U. S. C. 483, 484, 496.

§ 225.1 *Definitions*—(a) *Local service airline.* As used in this part "local service airline" shall mean any air carrier (other than an air carrier furnishing air transportation exclusively by helicopter) furnishing, within the continental limits of the United States, local or feeder type air transportation consisting of the carriage of persons, property, and mail under a temporary certificate of public convenience and necessity issued by the Board.

(b) *Trade agreement.* As used in this part "trade agreement" shall mean an agreement whereby air transportation is to be exchanged for services or goods for advertising purposes, and which agreement conforms to the requirements of § 225.5.

(c) *Services or goods for advertising purposes.* As used in this part, "services or goods for advertising purposes" includes newspaper or magazine display advertising, radio and television advertising, bus and streetcar advertising and other forms of media advertising, billboards and other outdoor advertising and advertising promotional displays. It shall not include feature or news stories, public relations expense or other forms of advertising that are not clearly identifiable as paid advertisements of the carrier.

§ 225.2 *Filing of notice of trade agreement.* Any local service airline may at any time file with the Board a notice of its intention to furnish air transportation in exchange for services or goods for advertising purposes. Every such notice shall be accompanied by an executed counterpart of a written agreement, containing all the terms of the agreement between the parties thereto, duly entered into by such air carrier with the supplier, and by an affidavit by the chief financial officer or other responsible officer of the local service airline having knowledge of the transaction. Every such notice shall be filed at least 14 days prior to the furnishing of any air transportation, services, or goods pursuant to the trade agreement. Within the meaning of this part, air transportation shall be deemed to be furnished when the passenger is actually carried.

§ 225.3 *Contents of notice of trade agreement.* Every notice filed with the Board pursuant to § 225.2 shall be conspicuously entitled "Notice Concerning Exchange of Air Transportation for Services or Goods" and shall contain the following information:

(a) The names and addresses of the contracting parties;

(b) A description of the services or goods and the amount and value thereof to be received by the local service airline pursuant to the trade agreement, together with a statement of the basis upon which such value was computed—all of which shall be set forth in such detail as to enable the Board to verify such value;

(c) The total value of the air transportation to be furnished under all trade agreements previously filed with the Board under this part;

(d) Such other information as will enable the Board to determine whether the trade agreement was solicited by the local service airline or the supplier and has been entered into for the purpose of enabling the local service airline to obtain advertising which it could not afford if it were required to pay cash but for which it would have been willing to pay cash, and

(e) A description of the arrangements and provisions which have been made by the local service airline to ensure that air transportation will not be furnished to anyone except the individuals identified or described in the agreement.

§ 225.4 *Affidavit by chief financial or other responsible officer of local service airline.* Every affidavit filed with the Board pursuant to § 225.2 shall state that the officer whose signature appears thereon is familiar with the circumstances and that in his opinion and to the best of his knowledge and belief: (a) The trade agreement which it accompanies will be financially advantageous to the local service airline; (b) the services or goods to be received have an actual value to the local service airline equal to or in excess of the value of the air transportation to be furnished under the contract; and (c) the information contained in the notice is complete and correct.

§ 225.5 *Provisions of agreements.* Each trade agreement entered into by a local service airline under this part shall provide:

(a) The period of time, not extending beyond January 1, 1956, during which goods or services are to be supplied to the local service airline; and the period of time, not extending beyond January 1, 1956, during which the local service airline is to be required to furnish air transportation to the supplier. Such periods of time shall commence to run 14 days after the date of the filing of such agreement with the Board unless the agreement provides for a later date

upon which it is to become effective, in which event the latter date shall control. Such agreement shall expressly provide that the local service airline shall not be obligated to furnish any air transportation thereunder unless such air transportation is demanded and furnished within the period fixed by the agreement. Any such agreement may provide, however, that in the event the agreement is terminated by the Board pursuant to § 225.7, the local service airline shall pay in cash (except to the extent the order of the Board terminating such agreement may permit all or any part, as specified in the order, of such excess to be paid in air transportation) any excess value of goods or services received thereunder prior to such termination over the value of the air transportation it has furnished under the agreement prior thereto;

(b) That in the event the air carrier at the time of expiration of the period during which goods or services are to be supplied to it, or at the time of termination of the agreement pursuant to § 225.7, has furnished air transportation having a value in excess of the value of the services or goods which it has received prior to such termination or the end of such period, such excess shall become payable, within not more than 90 days after such expiration or termination, to the local service airline in cash, goods, or services, or any combination thereof, as the parties may agree either in the original agreement or upon such expiration or termination (except to the extent any order of the Board terminating the agreement may require that all or any part, as specified in the order, of such excess shall be payable only in cash or within a different period)

(c) That, except to the extent provided in paragraph (b) and the last sentence of paragraph (a) of this section, the agreement shall immediately be terminated if at any time the Board shall issue an order to that effect pursuant to § 225.7

(d) That the air transportation to be furnished pursuant to the agreement shall be used only by the supplier, his employees and their immediate families;

(e) That such air transportation shall not be transferable and shall be used only by the individuals identified or described in the agreement;

(f) That the published tariff rates, fares, and charge applicable at the time air transportation is furnished shall be used in determining the value of such transportation,

(g) That such agreement will be terminated by the air carrier immediately upon its discovery that air transportation issued under the agreement has been used by an individual not identified or described in the agreement, any excess in values resulting from transactions under the agreement prior to such terminating to be settled as provided in paragraph (b) and the last sentence of paragraph (a) of this section;

(h) That the total value of air transportation furnished pursuant to the agreement shall not exceed a fixed amount stated therein, and

(i) That the supplier will furnish to the Board such complete and accurate information as it or the local service airline shall reasonably request concerning the prices for, the value of, and the nature of the services or goods for advertising purposes only supplied or to be supplied to the local service airline, and the prices which it would customarily charge to others for similar services or goods.

§ 225.6 *Limitation on total value of trade agreements.* The total value of trade agreements entered into by any single local service airline in accordance with the provisions of this part shall not exceed $25,000 in the aggregate.

§ 225.7 *Suspension or termination of trade agreements by the Board.* If at any time after the filing of a trade agreement in accordance with § 225.2 the Board shall have doubt that the transaction is in the public interest, the Board may serve upon the local service airline an order directing it to show cause why such trade agreement should not be terminated. Upon service of such order performance of the agreement shall, unless otherwise provided in the order, immediately be suspended, and shall not thereafter be commenced or resumed unless and until the Board shall, after hearing upon such order, or other final determination of the matter, permit performance of the trade agreement to be commenced or resumed.

§ 225.8 *Exemption from tariff and other requirements.* With respect to air transportation furnished in accordance with the provisions of this part, every local service airline shall, in connection with the making or performance of trade agreements, be exempt from the provisions of Part 221 of this subchapter and any other regulations hereafter adopted by the Board insofar as any such regulation shall require tariffs to show classifications, rules, regulations, practices, and services, and from the provisions of section 403 (b) of the act only insofar as such provisions would otherwise require that such local service airline shall not charge or demand or collect or receive a greater or different compensation for the air transportation which it is to furnish pursuant to a trade agreement, or for any service in connection therewith, than the rates, fares and charges specified in its currently effective tariffs.

§ 225.9 *Furnishing of transportation.* (a) Prior to the effective date of any trade agreement entered into under this part, the supplier shall furnish the local service airline with a list of the individuals who are to use the air transportation to be furnished;

(b) The local service airline shall issue to each of the individuals listed an identification card which clearly identifies the individual and states thereon that he is entitled to use transportation furnished pursuant to the named trade agreement during a stated period;

(c) Tickets covering transportation furnished under a trade agreement shall (1) be issued upon the demand of the supplier only (2) be clearly marked "Non-Transferable" and (3) be used only by an individual who has previously been issued an identification card described in paragraph (b) of this section; and

(d) The local service airline shall make such other arrangements and provisions as are necessary to ensure that air transportation furnished will not be used by anyone except the individuals identified or described in the agreement;

(e) No transportation shall be furnished under a trade agreement except in accordance with a ticket issued therefor.

§ 225.10 *Accounts and records.* (a) Each local service airline availing itself of the provisions of this part shall maintain a record of each trade agreement entered into, which record shall be filed in such manner as to be accessible and convenient for examination, and shall contain the following information: (1) The date received and the amount of goods or services supplied, (2) the names and addresses of individuals to whom identification cards were issued under the trade agreement; and (3) the date furnished and the amount of the air transportation furnished under the trade agreement. All correspondence or memorandums relating to trade agreements shall be retained and made a part of the carrier's records; and

(b) In accounting for and reporting financial and traffic data in accordance with Part 241 of this subchapter (the Board's Economic Regulations)

(1) Advertising received in accordance with a trade agreement shall be billed and recorded in the carrier's expense accounts at the going market rate.

(2) Transportation services provided in accordance with a trade agreement shall be billed and recorded in the carrier's accounts in accordance with its published tariffs. Such amounts shall be carried in the normal revenue account.

(3) Upon termination of a trade agreement, a reduction shall be made in the carrier's expense accounts to the extent, if any, that the value of advertising services received shall exceed the value of transportation services performed in return therefor, unless such balance is settled in cash, goods or services of equivalent value.

§ 225.11 *Value of air transportation.* For the purposes of this part, the published tariff rates applicable at the time air transportation is furnished pursuant to a trade agreement shall be used in determining the value thereof:

§ 225.12 *Value of advertising goods and services.* For the purpose of this part, advertising goods and services shall be valued at the going market price at the time such goods or services are furnished.

Effective date. This part shall become effective January 25, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-889; Filed, Jan. 28, 1955; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt 126]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety Compliance with the notice; procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest and therefore is not required

Part 609 is amended as follows:

NOTE: Where the general classification (LFR VAR ADF ILS GCA or VOR) location and procedure number (if any) of any procedure in the amendments which follow are identical with an existing procedure that procedure is to be substituted for the existing one as of the effective date given to the extent that it differs from the existing procedure; where a procedure is canceled the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended

1 The low frequency range procedures prescribed in § 609 6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic Distances are in statute miles unless otherwise indicated Elevations and altitudes are in feet, MSL Ceilings are in feet above airport elevation
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below

City and State; airport name, elevation; facility: class and identification; procedure No; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	Type aircraft: 75 m. p h or less	Type aircraft: More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11
ALEXANDRIA LA Municipal, 88' LFR-AEX. Procedure No 1. February 1, 1951. Major changes: Superseded by Special Procedure (Not published)	PROCEDURE CANCELED EFFECTED FEBRUARY 11 1955									
LAS VEGAS NEV. Nellis Air Force Base, 1 888 SBMRAZ-VDT LAS Procedure No. 1 Amendment No. 4 Effective date: February 12 1955 Supersedes Amendment No 3 dated August 16, 1954 Major changes: New format	Instrument approach procedure to be conducted in accordance with USAF procedure as published on C & GS Chart AL-227-RNG						All aircraft T-dn C-dn A-dn	800-2 1 500-2 1 500-2	800-2 1 500-2 1 500-2	
	THIS CORRECTS PROCEDURE ERRONEOUSLY LISTED UNDER ADF PROCEDURES IN THE FEDERAL REGISTER DATED JANUARY 13 1955									
MOSES POINT, ALASKA Moses Point Airport, 14' BMRLZ-PDTV MOS Procedure No 1 Amendment 4 Effective date: March 5, 1955. Supersedes Amendment No M-3 dated May 19, 1954 Main changes: Procedure to conform with realignment of range courses 2 Deletes departure procedure				S side E course: 069° outbound 249 inbound. 1 100' within 10 miles	See column 11	057—3 0	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	300-1 500-1 800-2 	300-1 500-1½ 800-2 200-½ 500-1½ 800-2	If visual contact not established at authorized landing minimums 5 miles E of range station following procedure turn, climb on course of 196 to intercept S course thence climb to 3,600 on S course (159° outbound, 339° inbound) within 25 miles Procedure not approved for ADF approach CAUTION: Terrain 1,600 3½ miles NW, and 800' 2½ miles W rising to 1 200' 3 miles W of Moses Point LFR

2 The very high frequency omnirange procedures prescribed in § 609 9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL Ceilings are in feet above airport elevation
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below

City and State; airport name, elevation; facility: class and identification; procedure No; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	Type aircraft		
								75 m. p h or less	More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11
ALEXANDRIA, LA. Alexandria Air Force Base 88 VOR-AEX. Procedure No. 1 March 13, 1952 Major changes: Superseded by Special Procedure (Not published)	PROCEDURE CANCELED EFFECTIVE FEBRUARY 11 1955									

3 The very high frequency omnirange procedures prescribed in § 609 9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL Ceilings are in feet above airport elevation
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below

City and State; airport name, elevation; facility: class and identification; Procedure No (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance from int. runway center line extended and final course to approach end of run way	Ceiling and visibility minimums			If visual contact not established at TVOR or if landing not accomplished
							Condition	Type aircraft		
								75 m. p h or less	More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11
TOLEDO OHIO. Toledo Airport 622 LVOR-TOL TVOR-4. TVOR-14 TVOR-32. Amendment M-2. Effective dates: January 15 1954.	PROCEDURES CANCELED JANUARY 5 1955 DUE TO DECOMMISSIONING OF TOLEDO LVOR FACILITY									

4 The instrument landing system procedures prescribed in § 609 11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No ; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft)			Outer marker	Middle marker	Condition	Type aircraft: 75 m.p h or less	Type aircraft: More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11	12	13
BROWNSVILLE, TEX Rio Grande Valley International 22′ ILS-BRO LOM-BR. Combination ILS and ADF Procedure No 1 Amendment No. 9 Effective: March 5 1955 Supersedes Amendment M-8 September 18 1952 Major changes: Add ADF approach Raise landing minima	Brownsville VOR	OM	320—4.5	1 200	W side N course: 354° outbound 174 inbound 1 200′ within 10 miles. Beyond 10 miles not authorized	ILS 1 200 ADF 600 over LOM	1 150—4.4	240—0 7	2 engines or less			Climb to 1,200′ on S course ILS or 4 3 miles after passing LOM (ADF) climb to 1,200′ on course 174° within 10 miles. 400–¾ required when glide slope not utilized
	Brownsville LFR	LOM	026—2 5	1 200					T–dn	300–1	300–1	
									C–dn	500–1	500–1	
	Los Fresnos FM	N course ILS or bearing 174° to LOM	100—4. 5	1 200					S–dn 17 ILS	(*) 300–¾	( ) 300–¾	
									ADF	500–1	500–1	
	Intersection Brownsville radial 329° and N course ILS	OM	174—2.0	1 200					More than 2 engines			
									T–dn		200–½	
									C–dn		500–1½	
									S–dn 17 ILS		( ) 300–¾	
									ADF		500–1	
									All aircraft			
									A–dn ILS	600–2		
									ADF	800–2		

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No ; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft)			Outer marker	Middle marker	Condition	Type aircraft: 75 m p h or less	Type aircraft: More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11	12	13
KANSAS CITY MO Municipal 758 . ILS-MKC LOM-MK. Procedure No 1 Amendment No 3. Combination ILS-ADF. Effective date: March 5 1955. Supersedes Amendment No 2. Dated March 22 1954 Major changes: 1 Lowers straight in night ILS minimums. 2. Deletes Linkville and Liberty FM 3 Raises missed approach altitude SW course MKC LFR. 4. Note added re 1949′ mean sea level TV tower and proposed 2,049′ mean sea level TV tower. 5 Revises missed approach on VOR	Kansas City LFR	LOM	028—5 0	2,500	W side N course: 004° outbound 184 inbound 2 500′ within 10 miles Not authorized beyond 10 miles	ILS 2 500	2,558—6 2	1 030—0 7	2 engines or less			Within 5.5 miles after passing LOM (ADF) or at ILS-LMM, make right climbing turn, climb to 2 500 and intercept 310° bearing to Farley Radiobeacon then proceed to and hold at Farley Radiobeacon, or when directed by ATC, make right climbing turn, climb to 2,400′ on SW course MKC-LFR within 25 miles, or *if VHF equipped only*, make right climbing turn, climb to 2,400 on 210° radial MKC-VOR within 25 miles
	Kansas City VOR	LOM	152—4 0	2,500		ADF 2,500 over LOM			#T-dn	300–1	300–1	
	Kansas City VOR	N course ILS	131—3 0	2 500					C-dn	##500–1	700–1	
	Liberty Radiobeacon	LOM	241—12 0	2 500					##S-dn 18 ILS	400–1	400–1	
	Liberty Radiobeacon	N course ILS	251—11 0	2,500					A-dn ILS	600–2	700–2	
	Farley Radiobeacon	LOM	107—15 0	2 500					ADF	800–2	800–2	
	Farley Radiobeacon	N course ILS	098—15. 0	2 500					More than 2 engines			
	Radar transitions within 25 miles as directed by ATC: S and E quadrants of MKC LFR			3 000					#T-dn		*300–1	
									C-dn		700–1½	
									##S-dn 18 ILS		400–1	
	S and E quadrants of MKC LFR with 3 miles separation from 2 049′ tower 2.9 miles S and 1,949 tower 5 miles SE of airport			2,500					ADF		700–1	
									A-dn ILS		700–2	
									ADF		800–2	
	N and W quadrants MKC LFR			2,500								

CAUTION: Grain elevators 903 mean sea level and railroad flood lights 857′ mean sea level ⅔ mile NNE of runway 18; cracking plant and stack 858′ mean sea level 0 5 mile WNW of airport Congested buildings 1,423′ mean sea level 1 mile SSE of airport. TV tower 1,949′ mean sea level 5 miles SE of airport, and TV tower 2.9 miles S of airport.

#Take-offs to S or SW when weather is below 1 000–3 will intercept a 210° ADF track from ILS-LMM or the 185 MKC radial as soon as *practicable After* take-off maintain track on course uutil reaching 2,500′ prior to making left turn due to 2,049′ tower 2.9 S of airport When KMBC-TV tower not visible (5 miles SE of airport) on N or NE take-off, climb to 2,500′ mean sea level on 090° ADF track from MKC-LFR prior to turning towards tower

##When approach lights or glide slope inoperative, cross Bluff FM at not less than 1,460′ mean sea level and circling minimums apply to all aircraft except more than 2 engine type which are authorized 700–1 When approach lights or glide slope and Bluff FM are inoperative, 700–1 minimums apply all aircraft.

AIR CARRIER NOTES:

###Paragraph 28 (A) (2) preface pages refering to 2 engine take-offs not applicable except to runways 35 and 36

200–½ authorized on runways 35 and 36 only. ILS preface pages pertaining to inoperative glide slope and approach lights not applicable—Note ## applies

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No ; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft)			Outer marker	Middle marker	Condition	Type aircraft: 75 m p h or less	Type aircraft: More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11	12	13
ST. JOSEPH MO Rosecrans Memorial 821'. ILS-STJ. LOM-ST Procedure No. 1 Amendment No. 9 Effective date: March 5 1955 Supersedes No 8 dated May 5, 1954 Major changes: 1 Deletes notes regarding weather bureau, Item 13 Observation now on 24 hour basis	St Joseph VOR	LOM	167—2 5	2 300	E side S course: 172° outbound 352 inbound 2 300' within 10 miles Not authorized beyond 10 miles	ILS 2 300 ADF 1 800	2 261—6 0	1 066—0 8	2 engines or less T-dn C-d C-n S-dn 35 #ILS ADF A-dn ILS ADF More than 2 engines T-dn C-dn S-dn 35 #ILS ADF A-dn ILS ADF	300-1 500-1 500-1½ 200-½ 400-1 600-2 800-2	300-1 700-1 700-1½ 200-½ 400-1 700-2 800-2 200-½ 700-1½ 200-½ 400-1 700-2 800-2	Within 6 miles (ADF) climb to 2,400 on N course ILS within 25 miles CAUTION: 400 bluffs W NW and E of airport AIR CARRIER NOTES: *Preface pages pertaining to take off applicable, except 300-1 required on Runway 30. #Part 40 P P., paragraph 29 (A) (B) applicable, except 400-¾ required when glide slope inoperative

These procedures shall become effective on the dates indicated in Column 1 of the procedures

(Sec 205 52 Stat 984 as amended; 49 U S C 425 Interpret or apply sec 601 52 Stat 1007 as amended; 49 U S C 551)

[SEAL]

F B LEE
Administrator of Civil Aeronautics

[F R Doc 55-803; Filed, Jan 28, 1955, 9:37 a m]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

On August 19 1954 a proposed revision of §§ 522 1 to 522 12 relating to the employment of learners at subminimum wage rates under the Fair Labor Standards Act was published in the FEDERAL REGISTER (19 F R 5285)

Interested persons were afforded an opportunity to submit data views or arguments pertaining to the proposed revision within 30 days from the date of publication of the notice in the FEDERAL REGISTER On the basis of data and views received from representatives of employers and employees it is considered desirable and necessary to modify the proposed revision as indicated below

1 Section 522 2 (c) as proposed is revised by inserting in the last sentence the words or its predecessor after the word plant and by also inserting in that sentence the clause who has made himself available for employment by the employer in lieu of who has expressed a willingness to accept employment at the new establishment The purpose of this change is for clarification and to rule out of consideration a worker who has expressed such a willingness but for one reason or another will not actually accept such employment

2 Section 522 3 (b), as proposed is revised to require that the application must contain a statement as to the actual availability of learners As such availability is one of the conditions governing issuance of a certificate it is appropriate that the applicant be required to supply information pertaining thereto

3 Section 522 3 (e) as proposed, is revised by dropping the semicolon after the word plant in subparagraph (2) and adding at that point for the occupations in which learners are requested to be employed at subminimum rates; The purpose of this revision is to obtain specific information concerning these occupations

4 Section 522 4 (a), as proposed is revised by adding a phrase to make it clear that the section applies both to original and renewal applications A clause is also added to provide standards for the decision whether to issue or deny a certificate Such a decision must be based upon all relevant facts and is expressly made subject to the conditions set forth in § 522 5

5 Section 522 5 (a) as proposed is revised by adding at the end thereof learners are available for employment; and the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment This is in line with the tests provided elsewhere in this part and with the statutory language

6 Section 522 5 (b) as proposed is grammatically revised by substituting the word nor for the word not in the second line of this section

7. Section 522.5 (e) as proposed, is eliminated as unnecessary because of the addition to § 522.5 (a) and § 522.5 (f) and (g) is relettered as § 522.5 (e) and (f) respectively.

8. Section 522.6 (b) as proposed, is revised to make it clear that all renewal certificates are subject to the conditions which apply to issuance of an original certificate as provided in § 522.5.

9. Section 522.6 (d) as proposed, is revised for purposes of clarification to read as follows:

(d) A copy of the learner certificate shall be posted by the employer during its effective period in a conspicuous place in each department of the plant where learners are to be employed.

10. Section 522.6 (i) as proposed, is revised for purposes of emphasis to read as follows:

(i) Under no circumstances will certificates be granted authorizing the employment of learners at subminimum wage rates as homeworkers, or in maintenance occupations such as watchman or porter, or in operations of a temporary or sporadic nature.

11. Section 522.7 (b) as proposed, is made more precise by inserting the words "at the time of hiring" after the word "obtain" and before the word "and" in the first line of this section.

12. Section 522.9 (b) as proposed, is revised by adding at the end thereof, "or if for any reason the existence of such certificate is no longer necessary to prevent curtailment of opportunities for employment." This change is in line with statutory intent.

13. Section 522.9 (c) as proposed, is revised by changing the proviso to strengthen the assurances which must be given as to interim payments by an employer who seeks reconsideration or review of a cancellation order. Provision is made for a written agreement and a surety bond or its equivalent.

14. Section 522.10 (b) as proposed, is revised to read as follows:

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

The purpose of this change is to clarify and shorten the proceeding involved in reconsideration.

15. Section 522.10 (c) as proposed, is eliminated, and § 522.10 (d) and (e) and (f) is relettered as § 522.10 (c) (d) and (e) respectively.

On the basis of all relevant information available I find it necessary in order to prevent curtailment of opportunities for employment, to adopt the proposed revision of the regulations as so modified.

Accordingly by virtue of the authority contained in the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and United States Department of Labor General Order No. 45A (15 F R. 3290) issued pursuant to Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 5 U. S. C. 611, 15 F R. 3174) §§ 522.1 through 522.14 are deleted and the following is added in lieu thereof:

Sec.
522.1 Applicability of regulations contained in this part.
522.2 Definitions.
522.3 Application for a learner certificate.
522.4 Procedure for action upon an application.
522.5 Conditions governing issuance of learner certificates.
522.6 Terms and conditions of employment under learner certificates.
522.7 Employment records to be kept.
522.8 Amendment or replacement of a learner certificate.
522.9 Cancellation of a learner certificate.
522.10 Reconsideration and review.
522.11 Supplemental industry regulations.
522.12 Amendment or revocation of the regulations contained in this part.

AUTHORITY: §§ 522.1 to 522.12 issued under sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214.

§ 522.1 *Applicability of regulations contained in this part.* (a) The regulations contained in this part are issued in accordance with section 14 of the Fair Labor Standards Act of 1938, as amended, to provide for the employment under special certificates of learners at wages lower than the minimum wage applicable under section 6 of the act. That section, in pertinent part, reads:

> The Administrator, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulations or by orders provide for (1) the employment of learners * * * under special certificates issued pursuant to the regulations of the Administrator, at such wages lower than the minimum wage applicable under section 6 and subject to such limitations as to time, number, proportion, and length of service as the Administrator shall prescribe * * *

(b) Such certificates shall be subject to the provisions hereinafter set forth and to such additional terms and conditions as may be established in supplemental regulations applicable to the employment of learners in particular industries issued pursuant to § 522.11.

§ 522.2 *Definitions.* As used in the regulations contained in this part:

(a) A "learner" is a worker whose total experience in an authorized learner occupation in the industry within the past three years, except as otherwise provided in applicable supplemental regulations for a particular industry, is less than the period of time allowed as a learning period for that occupation in a learner certificate issued pursuant to the regulations in this part.

(b) An "experienced worker" is a worker whose total experience in an authorized learner occupation in the industry within the past three years, except as otherwise provided in applicable supplemental regulations for a particular industry is at least equal to the period of time allowed as a learning period for that occupation in a learner certificate issued pursuant to the regulations in this part.

(c) "Experienced worker available for employment" means an experienced worker residing within the area from which the plant customarily draws its labor supply or within a reasonable commuting distance of such area, and who is willing and able to accept employment in the plant; or an experienced worker residing outside of the area from which the plant customarily draws its labor supply who has in fact made himself available for employment at the plant. A former experienced worker of a plant or its predecessor which has closed and moved its operations to another locality, who has made himself available for employment by the employer, shall also be considered an experienced worker available for employment.

(d) A "new plant" is a plant which has been in operation in a given industry for less than eight months subsequent either to its initial establishment in that industry or to its reopening after being out of operation for a period of more than eight months.

(e) An "expanding plant" is a plant whose labor force is being substantially increased by reason of an expansion program (1) through the installation of additional production equipment; (2) through again placing into operation machinery which has been idle for a period in excess of 8 months; or (3) through adding an additional shift.

§ 522.3 *Application for a learner certificate.* (a) Whenever the employment of learners at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, is believed necessary to prevent curtailment of opportunities for employment in a specified plant, an application for a certificate authorizing the employment of such learners at subminimum wage rates may be filed by the employer with the Administrator of the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C. A copy of such application shall be filed simultaneously with the appropriate Regional Office of these Divisions. With respect to employees working in Puerto Rico or in the Virgin Islands, application shall be filed with the Territorial Director of the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Santurce, San Juan, Puerto Rico.

(b) Application must be made on the official form furnished by these Divisions and must contain all information required by such form, including among other things, information concerning efforts made by the applicant to obtain experienced workers, the occupations in which learners are to be employed, the number of learners previously hired, whether learners are actually available, the number of learners requested, their proposed hourly rates and learning periods in number of hours, the number of experienced workers in such occupations and their straight-time average hourly earnings during the last payroll period, the number of plant workers employed during previous periods, and the type of equipment to be used by learners. Any applicant may also submit such additional information as may be pertinent.

(c) Any application which fails to present the information required by the forms may be returned to the applicant with a notation of deficiencies and without prejudice against submission of a new or revised application.

(d) Separate application must be made with respect to each plant in which the applicant desires to employ learners at subminimum wage rates. Where an establishment occupies several buildings in the same community and the workers in those buildings are engaged in the various processes necessary to the manufacture of primary products of the establishment, the workers shall be regarded as employees of the same plant for the purposes of the regulations in this part.

(e) When an application is filed for a learner certificate for a new or expanding plant and the applicant is moving from a plant of the same company or of a closely related company in another location, or is transferring production from such plant, or has recently so moved or transferred production, the applicant shall attach to the application a signed statement giving the following information. (1) Name, location and products of the plant from which the applicant is moving or is transferring production, (2) average and minimum wage rates paid at such plant for the occupations in which learners are requested to be employed at subminimum rates; and (3) reasons for removal or transfer of production.

(f) Application for a renewal of a learner certificate shall be made on the same form as described in this section. No effective learner certificate shall expire until action on an application for renewal shall have been finally determined, provided that such application has been properly executed in accordance with the requirements, and filed with and received by the Administrator of the Wage and Hour and Public Contracts Divisions not less than fifteen nor more than thirty days prior to the expiration date. A final determination means either the granting of or initial denial of the application for renewal of a learner certificate, or withdrawal of the application. A "properly executed application" is one which contains the complete information required on the form, and the required certification by a responsible official of the applicant company

(g) Upon making application for a learner certificate or for renewal thereof, an employer shall post a notice of filing of application on a form supplied by these Divisions in a conspicuous place in each department of the plant where he proposes to employ learners at subminimum wage rates. Such notice shall remain posted until such time as the application shall have been acted upon by the Administrator or his authorized representative. The notice must set forth, among other things, the number of learners that the employer has requested permission to employ the occupations in which the learners will be employed, and a representation by a responsible official that experienced workers are not available, and that the employment of learners at subminimum wage rates is necessary in order to prevent a curtailment of opportunities for employment.

§ 522.4 *Procedure for action upon an application.* (a) Upon receipt of an application for a certificate or a renewal of a certificate, the Administrator or his authorized representative shall consider all of the relevant facts and, subject to the conditions specified in § 522.5, shall issue or deny a learner certificate or, in appropriate circumstances, provide an opportunity to interested parties to present their views on the application prior to granting or denying a learner certificate.

(b) If a learner certificate is issued, there shall be published in the FEDERAL REGISTER a statement of the terms of such certificate together with a notice that, pursuant to § 522.10, for fifteen (15) days following such publication any interested persons may file written requests for reconsideration or review.

(c) If a learner certificate is denied, notice of such denial shall be sent to the employer and such denial shall be without prejudice to the filing of any subsequent application.

§ 522.5 *Conditions governing issuance of a learner certificate.* The following conditions shall govern the issuance of a special certificate authorizing the employment of learners at subminimum wage rates:

(a) An adequate supply of qualified experienced workers is not available for employment; the experienced workers presently employed in the plant in occupations in which learners are requested are afforded an opportunity to the fullest extent possible, for full-time employment; learners are available for employment; and the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The issuance of a learner certificate will not tend to create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character in the industry

(c) Abnormal labor conditions such as a strike, lock-out, or other similar condition, do not exist at the plant for which a learner certificate is requested.

(d) There are no serious outstanding violations of the provisions of a learner certificate previously issued to the company, nor have there been any serious violations of the act which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

(e) The occupation or occupations in which learners are to receive training involve a sufficient degree of skill to necessitate an appreciable training period.

(f) Learners shall be afforded every reasonable opportunity for continued employment upon completion of the learning period.

§ 522.6 *Terms and conditions of employment under learner certificates.* (a) A learner certificate, if issued, shall specify, among other things: (1) The number or proportion of learners authorized to be employed on any one day; (2) the occupations in which learners may be employed; (3) the subminimum wage rates permitted during the authorized learning period; (4) the learning period for each authorized learner occupation, and (5) the effective and expiration dates of the certificate.

(b) A learner certificate for normal labor turnover purposes may be issued for a period not longer than one year. A learner certificate for a new or expanding plant may be issued for a period not longer than six months. A renewal certificate will not be issued unless there is a clear showing that the conditions set forth in § 522.5 still prevail. A renewal expansion certificate will not be issued unless there is also a clear showing that there has been a substantial increase in the labor force during the period when a previous expansion certificate was in effect, except for individual cases where the plant expansion program has been postponed due to exceptional circumstances.

(c) Learners properly hired prior to the date on which a learner certificate expires may be continued in employment at subminimum wage rates for the duration of their authorized learning period under the terms of the certificate, even though the certificate expired before the learning period is completed.

(d) A copy of the learner certificate shall be posted by the employer during its effective period in a conspicuous place in each department of the plant where learners are to be employed.

(e) No learner certificate may be issued retroactively

(f) No learner shall be hired under a learner certificate if at the time such employment begins experienced workers capable of equaling the performance of a worker of minimum acceptable skill are available for employment.

(g) No learner shall be hired under a learner certificate while abnormal labor conditions such as a strike, lock-out, or other similar condition, exist in the plant.

(h) Except as otherwise specified in applicable supplemental industry regulations, the number of hours of previous employment must be deducted from the authorized learning period if within the past three years a learner has been employed in a given occupation and industry for less than the total number of hours authorized as a learning period. There shall also be deducted from the authorized learning period all such hours of employment or training on rags or scrap, or pertinent training in vocational training schools or similar training facilities.

(i) Under no circumstances will certificates be granted authorizing the employment of learners at subminimum wage rates as homeworkers, or in maintenance occupations such as watchman or porter, or in operations of a temporary or sporadic nature.

(j) If experienced workers are paid on a piece rate basis, learners shall be paid at least the same piece rates as experienced workers employed on similar work in the plant and shall receive earnings based on such piece rates whenever such earnings exceed the subminimum wage rates permitted in the certificate.

(k) No provision of any learner certificate shall excuse noncompliance with higher standards applicable to learners which may be established under any other Federal law, or any State law, or trade union agreement.

§ 522.7 *Employment records to be kept.* In addition to other records required under the record-keeping regulations (Part 516 of this chapter) the employer shall keep the following records specifically relating to learners employed at subminimum wage rates:

(a) Each worker employed as a learner under a learner certificate shall be designated as such on the payroll records kept by the employer. All such learners shall be listed together as a separate group on the payroll records, with each learner's occupation being shown.

(b) The employer shall also obtain at the time of hiring and keep in his records a statement signed by each such learner showing all applicable experience which the learner may have had in the industry in which he is employed during the preceding three years, or as otherwise required in the applicable supplemental industry regulations. The statement shall contain the dates of such previous employment, names and addresses of employers, the occupation or occupations in which the learner was engaged and the types of products upon which the learner worked. The statement shall also contain information concerning pertinent training in vocational training schools or similar training facilities, including the dates of such training and the identity of the vocational school or training facility If the learner has had no applicable experience or pertinent training, a statement to that effect signed by the learner should likewise be kept in the employer's records.

(c) The records required in this section, including a copy of any special certificate issued, shall be kept and made available for inspection at all times for at least three years from the last effective date of the certificate.

§ 522.8 *Amendment or replacement of a learner certificate.* The Administrator upon his own motion may amend the provisions of a learner certificate when it is necessary by reason of the amendment of these or any supplemental industry regulations, or may withdraw a learner certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificate.

§ 522.9 *Cancellation of a learner certificate.* (a) The Administrator or his authorized representative may cancel any learner certificate for cause. Except in cases of willfulness or those in which the public interest requires otherwise, before any learner certificate is cancelled, facts or conduct which may warrant such action shall be called to the attention of the employer and he shall be afforded an opportunity to achieve or demonstrate compliance.

(b) A certificate may be canceled: (1) As of the date of issuance, if it is found that the applicant set forth any fact or facts in the application which he knew or had reasonable cause to believe to be false; (2) as of the date of violation, if it is found that any of its terms have been violated; or (3) prospectively if it is found that the conditions of employment of learners have changed or that the purposes for which the certificate was originally issued no longer obtain, or if for any reason the existence of such certificate is no longer necessary to prevent curtailment of opportunities for employment.

(c) No order canceling a certificate shall take effect until the expiration of the time allowed for requesting reconsideration or review under § 522.10, and, if a petition for reconsideration or review is filed, the effective date of the cancellation order shall be postponed until action is taken thereon. *Provided, however* That the employer agrees in writing that if the cancellation order is affirmed, the employer will reimburse any person employed under a certificate which has been cancelled in an amount equal to the difference between the minimum wage applicable under section 6 of the act and any lower wage paid such person subsequent to the cancellation date indicated in the original cancellation notice addressed to the employer, and provided further that the employer file with the Administrator a surety bond, or its equivalent, conditioned upon the fulfillment of such agreement.

§ 522.10 *Reconsideration and review.* (a) Any person aggrieved by the action of an authorized representative of the Administrator denying, granting, or cancelling a learner certificate may, within 15 days after such action, (1) file a written request for reconsideration thereof by the authorized representative of the Administrator who made the decision in the first instance, or (2) file a written request for review of the decision by the Administrator or an authorized representative who has taken no part in the action which is the subject of review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsidered determination of an authorized representative of the Administrator may within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, all interested persons shall be afforded an opportunity to present their views.

§ 522.11 *Supplemental industry regulations.* (a) Upon application of any person or persons, representing an industry or branch thereof, or upon his own motion, the Administrator, if he deems it advisable, may after appropriate and timely notice to interested parties, cause a hearing to be held to determine the need for the employment of learners at wages lower than the minimum wage applicable under section 6 of the act in order to prevent curtailment of opportunities for employment in an industry or branch thereof; and if such need is found to exist, to determine the occupation or occupations which require a learning period and the limitations as to wages, time, number, proportion, and length of service pursuant to which learner certificates authorizing the employment of learners at such subminimum wage rates may be issued to employers. Such hearing shall be held before the Administrator or his duly authorized representative. Following such hearing the Administrator shall, by supplemental regulations, prescribe the conditions under which special certificates shall be issued for the employment of learners in such industry or branch thereof, if he determines that there is a need therefor to prevent curtailment of opportunities for employment.

(b) The Administrator may issue a subpoena for attendance at such hearings to any party upon request and upon a showing of general relevance and reasonable scope of the evidence sought. The Administrator may on his own motion, or that of his authorized representative, cause to be brought before him or his authorized representative any witness whose testimony he deems material to the matter in issue.

(c) Such supplemental regulations as are issued shall not apply to the employment of learners at subminimum wage rates in Puerto Rico or the Virgin Islands, unless they so provide.

§ 522.12 *Amendment or revocation of the regulations contained in this part.* The Administrator may at any time upon his own motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of the regulations in this part or of the supplemental regulations applicable to the employment of learners in particular industries.

The above revision shall become effective 30 days after publication of this document in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26th day of January 1955.

WM. R. MCCOMB,
Administrator Wage and Hour and Public Contracts Divisions.

[F R. Doc. 55-887; Filed, Jan. 28, 1955; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. In § 606.702, paragraph (n) is revised, and paragraphs (q) (r) (s) and (t) are added, as follows:

§ 606.702 *Definitions.* * * *

(n) *Sources of supply; small business.* See §§ 1.302-3 and 1.307 of Subchapter A, Chapter I of this title, and § 590.201-9 of this subchapter.

* * * * *

(q) *Established supplier* An "established supplier" for an item is a concern which is a "source of supplies" as defined in § 1.201-9 of Subchapter A, Chapter I

of this title, and which has supplied the item satisfactorily to one or more military departments; or one with which mobilization planning is in effect.

(r) *Potential supplier* A "potential supplier" of an item is a concern which is a "source of supplies" as defined in § 1.201–9 of Subchapter A, Chapter I of this title, and which is considered to be technically and financially competent to supply the item, but which is not an established supplier.

(s) *Fair proportion.* A "fair proportion of the total purchases and contracts for supplies and services for the Department of Defense to be placed with small business concerns" is defined as that proportion which small business concerns can win in open competition, provided they are given an equitable opportunity to compete.

(t) *Equitable opportunity.* An equitable opportunity to compete (with respect to the competition by small business firms for Defense procurement of an item, the bidders' mailing list for which contains the names of established or potential small business suppliers) is defined as that opportunity which exists when the following conditions are met:

(1) The bidders' mailing list of the military department for the item includes the names of such established or potential small business suppliers as have made acceptable application for inclusion in the list.

(2) The Invitation for Bids or the Request for Proposals are sent to all the firms, large and small, on the list; or, where they are sent to less than the complete list, a pro rata percentage of small firms is included among those solicited.

(3) The quantities are appropriate, the delivery schedules reasonable, the time allowed for the preparation and submission of bids adequate, and the specifications and drawings sufficient to enable small business firms to compete.

(4) Proposed procurements are publicized as required by existing regulations.

(5) The definition of a fair proportion in paragraph (s) of this section, shall not in itself be used as a reason for refusing to make joint determinations as provided in § 606.714 (b) (3)

2. In § 606.703, revise paragraph (a) (8) and add paragraph (c) as follows:

§ 606.703 *Policy*—(a) *General.* * * *

(8) The general principles of the Department of the Army Small Business Policy providing for giving small business firms an equitable opportunity to produce a fair share of the Department of the Army requirements of goods and services shall be extended to mobilization planning. To the maximum extent possible consistent with considerations of efficient production, geographic dispersion of facilities, and other military factors, those elements of the Department of the Army engaged in mobilization planning shall, with respect to items, the bidders' mailing lists for which include the names of established or potential small business suppliers, conduct planning with small business firms. (Paragraph (b) of this section and Subpart H of this part.) All procurement officers must recognize their responsibilities with respect to the utilization of small business concerns in the accomplishment of the procurement program. Procurement personnel must be alert to develop new sources of supply and to exploit fully those sources which are available but which, because of the small size, do not quickly yield major results in the form of large dollar amounts of contracts placed.

* * * * *

(c) *Information concerning small business firms or facilities.* The Department of the Army will give to representatives of the Small Business Administration access to any and all lists of small business firms or facilities which they have prepared for the purpose of consolidation by the Small Business Administration with such combined inventories of small business concerns and their facilities as the Small Business Administration may deem it advantageous to maintain.

3. In § 606.706, revise paragraph (g) to read as follows:

§ 606.706 *Responsibilities for implementation of Department of the Army Small Business Program.* * * *

(g) *Responsibilities for program at purchasing offices where no small business specialist is appointed.* At purchasing offices where no Small Business Specialist is appointed, the head of the installation or activity will appoint a civilian representative other than the Contracting Officer if available, or the Contracting Officer who will be responsible for the functions listed in § 606.705 in order that the Department of the Army program of assistance to small business may be maintained.

4. In § 606.710, revise paragraph (d) as follows:

§ 606.710 *Dissemination of information.* * * *

(d) Invitations for Bid or Requests for Proposal, together with applicable specifications and drawings on procurements selected for joint determinations will be made available in sufficient numbers to provide a minimum of one copy with all attachments, for each Small Business Administration Regional and Branch Office and the Small Business Administration Washington Headquarters, except in those cases in which the Small Business Administration Representatives believe a lesser number of copies will be adequate. If the Small Business Administration Representative, by mutual agreement with the purchasing office, desires a reproducible master of the IFB or Request for Proposal and brown prints (Van Dykes) for a specific procurement on which there has been a joint determination made, a single copy when available, will be furnished to the Small Business Administration Representative for reproduction by the Small Business Administration, in lieu of the above.

* * * * *

5. Section 606.711 is revised as follows:

§ 606.711 *Labor surplus area policies (Defense Manpower Policy No. 4)* Defense Manpower Policy No. 4 and the procedures prescribed in Subchapter A, Chapter I of this title, provide adequate guidance for the proper establishment of set-asides.

(a) In applying the set-aside policy undue stress must not be implied. Small business will continue to receive priority attention. Consequently any sizable procurement will first be screened for practicability of a joint determination or small business determination. If the procurement is not suitable for small business action, it will then be considered for set-asides for possible placement in surplus labor areas. Under no circumstances, however, will both a small business determination and a surplus labor set-aside be made on the same procurement action.

(b) In complying with the above, procurement agencies will be governed by §§ 1.302–4, 2.205, 2.406–4, 3.301, 3.105 and 3.219 of Subchapter A, Chapter I of this title.

6. In § 606.714, paragraphs (a) (c) (d) and (g) are revised as follows:

§ 606.714 *Operational procedures.*
* * *

(a) *Screening of procurements.* The purchasing offices, through the Small Business Specialists or other designated representatives of the chiefs of the purchasing offices will afford the Small Business Administration representatives assigned to such offices an opportunity to jointly screen all procurements prior to issuance of invitations for bids or requests for proposals of $10,000 and over, except:

(1) Procurements classified Confidential or higher.

(2) Procurements of an emergency nature. Thereafter, the Contracting Officer will be advised by the Small Business Specialist or other designated representative:

(i) Whether a particular procurement is suitable for performance by small business concerns;

(ii) The minimum percentage of a particular procurement found suitable under subdivision (i) of this subparagraph which the Contracting Officer will endeavor to place with small business concerns. While emergency purchases and classified procurements are excluded from the screening process, the Contracting Officer will inform the Small Business Administration representative, upon request, of the nature of the emergency and in all cases will endeavor to secure small business participation when the procurements are suitable for performance by small concerns. In cases where there is no Small Business Administration representative assigned to a field purchasing office, the Small Business Specialist will screen procurements and Small Business determinations will be executed where appropriate.

* * * * *

(c) *Joint determination.* (§ 606.702 (l)) Joint determinations will not be made with respect to general classes of items but will be limited to individual procurement actions which are expected to involve an expenditure of $10,000 or more. In the course of screening the Small Business Administration Representative may initiate action for a joint

determination in accordance with criteria set forth in section 214 of the Small Business Act of 1953, and the official designated by the purchasing office shall promptly concur in the written recommendation of the Small Business Administration Representative or disapprove, stating in writing his reasons for disapproval. The Small Business Administration Representative will be permitted to appeal any such disapproval, within 2 full working days to the chief of the purchasing office or his designee, whose decision shall be final. Such joint determination may apply to all or a percentage of a single procurement. Joint determinations shall be binding on Contracting Officers, and such procurement or specified percentage thereof must be placed only with Small Business concerns, except as provided in paragraph (e) of this section.

(d) *Small Business determinations.* (§ 606.702 (l)) In the event a Small Business Administration Representative is not assigned to a field purchasing office or Small Business Administration personnel do not otherwise request that a joint determination be entered into, the Small Business Specialist assigned to the field purchasing office will initiate action for a Small Business determination regardless of size of procurement, in the same manner and subject to the same provisions as set forth in paragraph (b) of this section.

* * * * *

(g) *Procurements under partial determination.* (1) When a determination for a stated percentage of less than 100 percent is entered into (paragraph (b) (2) of this section) in conjunction with a procurement to be effected by formal advertising conducted pursuant to section 3 of the Armed Services Procurement Act, the percentage under partial determination will be negotiated. In situations in which such a stated percentage is so used, the following procedure will be followed:

(i) A notification to prospective bidders, stipulating that a portion of the procurement will be exempted for procurement from small business firms, will be included in the invitation for bid and be synopsized. It will contain the following statement:

NOTICE TO PROSPECTIVE BIDDERS

Negotiation for award of the exempted portion of this procurement will be conducted only with responsible small firms who submit responsive bids on the advertised portion at a unit price within 120 percent of the highest award made.

(ii) Invitations for bids or requests for proposals will be issued, except for the portion exempted for Small Business. These invitations for bids or requests for proposals will be issued to both large and small business firms and only those small business firms who then bid on this advertised portion at a unit price not in excess of 120 percent of the highest award made or not in excess of 120 percent of the fair and reasonable price as determined by the Contracting Officer will be considered eligible to participate in the negotiation of the portion exempted under the partial determination. Care must be exercised that a sufficient number of small business firms are included on the bidders' list to insure placement of the portion exempted under the partial determination for small business.

(iii) After opening of bids, the portion exempted for small business will be negotiated with eligible small business firms:

(*a*) At a unit price equivalent to the award price under the invitation for bids or requests for proposals, when the award(s) is (are) for a single price;

(*b*) At a price determined by the Contracting Officer to be fair and reasonable but in no event at a unit price higher than the highest price of an award made under the invitation for bids when the award(s) is (are) at multiple prices. In the absence of changes in market trends and other factors requiring consideration, the Contracting Officer shall use for such fair and reasonable price the weighted average. The weighted average shall be ascertained by adding the total dollar amounts of all awards under the advertised portion and then dividing such grand total by the total number of units included in all awards under the advertised portion.

(iv) In conducting negotiations for the exempted portion of the procurement, it is permissible to reveal only the total price(s) of the contract(s) awarded on the unexempted portion.

(v) In cases where no small business firm submits a proposal on the portion to be negotiated with small business, or cannot meet the price determined in accordance with subdivision (ii) of this subparagraph, the determination is automatically dissolved and the procurement may be negotiated with the successful bidder(s) on the portion not exempted provided there is a reasonable assurance that a better price cannot be obtained by readvertising or reopening negotiations with all interested firms for the entire remaining quantity to be procured.

(2) When a determination for a stated percentage of less than 100 percent is entered into in conjunction with a procurement to be effected by negotiation conducted pursuant to section 2 (c) (1) of the Armed Services Procurement Act, the procurement will be handled in the same manner as procurements under subparagraph (1) of this paragraph, except that the portion not exempted will be negotiated instead of formally advertised. Care must be exercised that sufficient Small Business sources are issued requests for proposals for the portion not exempted to insure competition for the exempted portion. In conducting negotiations for the exempted portion, cost or other pricing data pertaining to the award of the portion not exempted will not be divulged.

* * * * *

7. In § 606.717, add paragraph (b) as follows:

§ 606.717 *Defense production pools.*

* * *

(b) The defense production pools which have been approved by the Small Business Administration are:

Name and address	Status	Designation
Omaha Industries, Inc., 1302 Farnam St., Omaha 2, Nebr.	Active	Small business.
Coordinated Manufacturers of Santa Clara County, Inc., 65 Scharff Ave., San Jose, Calif.	Standby	Do.
Greater New York Manufacturing Pool, 280 Lexington Ave., New York, N. Y.	do	Do.
Peoria Consolidated Manufacturers, Inc., Office of the Trustee, 109 South 1st St., Monmouth, Ill.	do	Do.
Central California War Industries, Inc., 106 North 1st St., Fresno, Calif.	do	Do.
Illinois Manufacturers Defense Pool, Inc., 6242 South Western Ave., Chicago, Ill.	do	Do.
Dade County Industries, Inc., Machine Co., Inc., 105 Northwest 5th St., Miami, Fla.	do	Do.
Small Manufacturers Cooperative, 749 Myrtle Ave., Bridgeport, Conn.	Active	Do.
Specified Finishes, Inc., 345 North Western Ave., Chicago, Ill.	Standby	Do.
Florida Wood Co-Operative, 139 Northeast 1st Ave., Miami-34, Fla.	do	Do.
Mil-Fin, Inc., East Water St., Waukegan, Ill.	do	Do.
Consolidated Industries Defense Production Pools, Inc., 745 5th Ave., New York 22, N. Y.	do	Do.
Engravers Production Group of New York, 119 West 57th St., New York 19, N. Y.	do	Do.
Woodworking Defense Production Pool of New York Area, 119 West 57th St., New York 19, N. Y.	do	Do.
Metal Products Co. Production Pool, Craighead St., Nashville, Tenn.	do	Do.
General Tire Production Pool, Inc., 1218 West Garfield St., Wabash, Ind.	Active	Large business.
National Production Pool, 161 Grand St., New York, N. Y.	Standby	Small business.
Tri-State Defense Industries, Inc., 171 Madison Ave., New York, N. Y.	Active	Do.
Wisconsin Manufacturers' Defense Pool, Inc., 1303 North 4th St., Milwaukee, Wis.	Standby	Do.
Antico Pool, 212 Concord St., Brooklyn, N. Y.	Active	Do.
Burlington Industries Pool. 109 Layfayette St., Riverside, N. J.	Standby	Do.
Small Plants Associates of Philadelphia, care The F H. White Co., 40 North 6th St., Philadelphia 6, Pa.	do	Do.
Albuquerque Production Pool, Inc., 302½ Central Ave. SW., Albuquerque, N. Mex.	do	Do.
Federated Facilities, Inc., 2840 Fourth Ave. S., Minneapolis, Minn.	Active	Do.
Allied Specialties Co., 1534 Pratt St., Philadelphia 24, Pa.	do	Do.
United Western Manufacturers, Inc., 301 East Regent St., Inglewood 1, Calif.	do	Do.
Wyoming Valley Manufacturers Pool, Inc., Trucksville, Pa.	do	Do.
Allied Construction Contractors, 105 Earl Ave., Joliet, Ill.	do	Do.
Gulf Coast Production Pool, 611 Industries Bldg., New Orleans, La.	do	Do.

[C6, APP 6 January 1955] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-886; Filed, Jan. 28, 1955; 8:50 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

GENERAL PROVISIONS; SPECIAL REGULATIONS

1. Section 1.0 *General provisions,* is amended to read as follows:

§ 1.0 *General provisions.* Except as otherwise provided in special regulations found in Part 20 of this chapter, the following regulations are hereby made and prescribed for the proper use, management, government, and protection of, and maintenance of good order in, all the national parks, national monuments, national military parks, national battlefield parks, national historical parks, national historic sites, national parkways and connected recreational areas, battlefield sites, and miscellaneous memorials which are, or hereafter may be, under the administrative jurisdiction of the National Park Service of the Department of the Interior: *Provided, however* That the rules and regulations in this part shall not apply to national cemeteries, National Capital Parks, or recreational demonstration areas.

2. Section 1.90 *Special regulations,* is revoked.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 24th day of January 1955.

DOUGLAS MCKAY,
Secretary of the Interior

[F R. Doc. 55-857; Filed, Jan. 28, 1955; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 108—KODIAK AREA

PART 112—COPPER RIVER AREA

KING CRABS; SALMON

Basis and purpose. On the basis of catch sampling of the king crab trawl fishery in the Kodiak area, it has been determined that excessive numbers of soft-shell male crabs are being taken.

It has also been determined that since anchored gill nets are no longer permitted to be used in the Copper River area, the requirement of § 112.10 that they be operated in substantially a straight line is no longer pertinent.

Therefore, effective immediately upon publication in the FEDERAL REGISTER:

1. A new section designated § 108.32 is added to read as follows:

§ 108.32 *Closed season, king crabs.* Fishing for, or taking king crabs, except by pots, is prohibited throughout the Kodiak area from January 29 to February 27, 1955, both dates inclusive.

2. Section 112.10 is deleted.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary notice and public procedure on this amendment are impracticable (60 Stat. 237 5 U. S. C. 1001 et seq.)

JOHN L. FARLEY,
Director

JANUARY 27, 1955.

[F R. Doc. 55-944; Filed, Jan. 28, 1955; 10:03 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED ASPARAGUS

UNITED STATES STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Canned Asparagus, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087) et seq., 7 U. S. C. 1621 et seq.) This revision, if made effective, will be the fifth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

Sec.
52.2541 Product description.
52.2542 Styles of canned asparagus.
52.2543 Grades of canned asparagus.
52.2544 Types of canned asparagus.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.2545 Recommended fill of container.
52.2546 Recommended minimum drained weight.
52.2547 Compliance with recommended minimum drained weights.

SIZES

52.2548 Size of spears, tips, and points in canned asparagus.
52.2549 Compliance with size recommendations.

FACTORS OF QUALITY

52.2550 Ascertaining the grade.
52.2551 Ascertaining the rating for the factors which are scored.
52.2552 Color.
52.2553 Defects.
52.2554 Character.

DEFINITIONS AND EXPLANATIONS

52.2555 Definitions and explanations of terms.

LOT CERTIFICATION TOLERANCES

52.2556 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2557 Score sheet for canned asparagus.

AUTHORITY: §§ 52.2541 to 52.2557 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

§ 52.2541 *Product description.* "Canned asparagus" means canned asparagus as defined in the definitions and standards of identity for canned asparagus (21 CFR 52.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2542 *Styles of canned asparagus.* (a) "Spears" (or "Stalks") which may be peeled or unpeeled, is the style of canned asparagus that consists of the head and adjoining portion of the shoot that is 3¾ inches or more in length.

(b) "Tips" is the style of canned asparagus that consists of the head and adjoining portion of the shoot that is less than 3¾ inches but not less than 2¾ inches in length.

(c) "Points" is the style of canned asparagus that consists of the head and adjoining portion of the shoot that is less than 2¾ inches in length.

(d) "Cut spears" is the style of canned asparagus that consists of heads and portions of shoots cut transversely in which the units are less than 2 inches but not less than ½ inch in length. This style shall contain not less than 18 percent, by count, of heads if cut into units 1¼ inches or less in length but not less than ½ inch in length and shall contain not less than 25 percent, by count, of heads if cut into units longer than 1¼ inches.

(e) "Center cuts" or "cuts" is the style of canned asparagus that consists of portions of shoots that are cut transversely into units less than 2 inches but not less than ½ inch in length, or that does not meet the foregoing definition for cut spears.

§ 52.2543 *Grades of canned asparagus.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned asparagus that possesses a good flavor; that possesses a good color; that is practically free from defects; that possesses a good character; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 85 points:

[1] Compliance with these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Provided, That the canned asparagus may possess a fairly good color and may be fairly free from defects, with the exception of damaged and seriously damaged units, if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned asparagus that possesses a fairly good flavor· that possesses a fairly good color· that is fairly free from defects; that possesses a fairly good character· and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(c) "Substandard" is the quality of canned asparagus that fails to meet the requirements of U. S. Grade C or U. S. Standard.

§ 52.2544 *Types of canned asparagus.* The type of canned asparagus is not incorporated in the grades of the processed product, since the type of canned asparagus is not a factor of quality for the purpose of these grades. The type of asparagus may be designated in accordance with the following requirements:

(a) "Green" or "all green" consists of units of canned asparagus which are typical green, light green, or purplish green in color.

(b) "Green-white" consists of canned asparagus spears, tips, and points, of which at least one-half but not the entire length measured from the tip end is typical green, light green, or purplish green in color.

(c) "White" consists of units of canned asparagus which are typical white or yellowish white in color.

(d) "Green tipped" consists of spears, tips, and points of canned asparagus which are typical white or yellowish white in color, having green, light green, or purplish green heads, and which color may extend to not more than one-half of the adjacent portions of the stalk. Green tipped spears, when cut into units, consist of typical white, yellowish white, and light green or yellowish green units, or a mixture of such units.

(e) "Green tipped and white" or "white and green tipped" canned asparagus consists of a mixture of white and green tipped asparagus. The type is stated in the order of the predominating color.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.2545 *Recommended fill of container* The recommended fill of container for canned asparagus is not incorporated in the grades of the processed product, since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned asparagus be filled as full as practicable with asparagus without impairment of quality.

§ 52.2546 *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. 1 are not incorporated in the grades of the processed product, since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned asparagus is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter, inclining the sieve to facilitate drainage and allow to drain for two minutes. The drained weight is the weight of the sieve and the asparagus less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

§ 52.2547 *Compliance with recommended minimum drained weights.* The recommended minimum drained weight for canned asparagus is determined by averaging the drained weights of all of the containers which are representative of a specific lot. Such lot is considered as meeting recommendations, if:

(a) At least one-half of the containers meet the recommended minimum drained weight;

(b) The drained weights of the containers which do not meet the recommended minimum drained weight are within the range of variability of good commercial practice; and

(c) The average drained weight of all of the containers which are representative of the lot does not fall below the minimum recommended drained weight.

TABLE NO. 1—RECOMMENDED MINIMUM DRAINED WEIGHT (IN OUNCES) OF ASPARAGUS

Container size or designation	Container dimensions (inches); water capacity (ounces avoirdupois)		Spears, tips, points (small, medium, large and blends); cut spears or center cuts (all sizes)		Spears and tips (extra large)	
	Diameter	Height	White and green-tipped	Green and green-white	White and green-tipped	Green and green-white
8-oz. Tall	2 1/16	3 1/16	5½	5¼	5½	5¼
8-oz. jar	8.5 ounces		5½	5¼	5½	5¼
No. 1 Picnic	2 1/16	4	7	6½	6¾	6¼
No. 300	3	4 7/16	9¾	8¾	9¼	8¼
No. 1 Tall	3 1/16	4 1 1/16	10¾	9¾	10½	9¼
No. 303	3 3/16	4 9/16	10¾	9¾	10½	9¼
No. 303 jar	17.8 ounces		10¾	9¾	10½	9¼
No. 2	3 7/16	4 9/16	13½	12¼	12¾	11¾
No. 2½	4 1/16	4 1 1/16	19½	17¾	18½	17¼
No. 2½ jar	29.5 ounces		19¼	17½	18¼	17
No. 10	6 3/16	7	68	63	64½	60¼

SIZES

§ 52.2548 *Sizes of spears, tips, and points in canned asparagus.* The size of asparagus spears, tips, and points in canned asparagus is determined by measuring the longest dimension across the base at right angles to the longitudinal axis of the unit. Units compressed in processing should be restored to their approximate original contour before sizing. Asparagus spears longer than 5 inches are measured at a point 5 inches from the top of the spear. Units less than 5 inches in length are measured at the base or largest cut end of the unit.

§ 52.2549 *Compliance with size recommendations.* Canned asparagus spears, tips, and points will be considered as meeting the designated size when 80 percent, by count, of the units are of a single size and the remainder are not more than one size larger or one size smaller than a single size. The word and number designation of the various sizes of spears, tips, and points in canned asparagus are shown in Table No. 2 of this section.

TABLE NO. 2—SIZES OF ASPARAGUS SPEARS, TIPS, AND POINTS IN CANNED ASPARAGUS

Word designation	Number designation	Diameter in inches
Small	1	Less than 3/8 inch.
Medium	2	3/8 inch or larger but less than 5/8 inch.
Large	3	5/8 inch or larger but less than 7/8 inch.
Extra large	4	7/8 inch or larger.
Mixture or blend of sizes.	-------	A mixture of two or more of the foregoing sizes.

FACTORS OF QUALITY

§ 52.2550 *Ascertaining the grade*—(a) *General.* The grade of canned asparagus is ascertained by considering the factors of quality which are not scored and those which are scored, as follows:

(1) *Factor not scored.* (i) Flavor.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	20
Defects	30
Character	50
Total score	100

(b) "Good flavor" means that the product has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(c) "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2551 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically The numerical range within each such factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points)

§ 52.2552 *Color*—(a) *General.* The color of asparagus in canned asparagus is based on the type and style of asparagus

and the characteristic and predominant color of the units.

(b) *(A) classification.* Canned asparagus that possesses a good color may be given a score of 17 to 20 points. "Good color" has the following meanings with respect to the following types and styles of canned asparagus:

(1) *Spears, tips, or points*—(i) *Green or all green.* The units possess a good, characteristic, green, light green, or purplish green color over the entire surface typical of well developed and tender asparagus: *Provided,* That the bottom portion of not more than 10 percent, by count, of the units may possess typical white or yellowish white color not to exceed ¼ of the length of the unit.

(ii) *Green-white.* The units possess a good, characteristic, green, light green, or purplish green color typical of well developed and tender asparagus and typical white or yellowish white color at the base ends: *Provided,* That not more than 5 percent, by count, of the units, or one unit, whichever is larger, may possess typical white or yellowish white color in excess of ½ of the length of the unit, or may be all green.

(iii) *White.* The units possess a good, characteristic, white or yellowish white color, typical of well developed and tender asparagus, and not more than 10 percent, by count, of the units may possess green, light green, or purplish green heads.

(iv) *Green tipped.* Not less than 90 percent, by count, of the units may possess green, light green, or purplish green heads and adjacent areas not exceeding ½ of the length of the unit typical of well developed and tender asparagus: *Provided,* That none of the units are green or all green.

(v) *Green tipped and white or white and green tipped.* The units possess a good, characteristic color typical of well developed and tender white or green tipped asparagus.

(2) *Cut spears and center cuts or cuts*—(i) *Green or all green.* The units possess a good, characteristic green, light green, or purplish green color, typical of well developed and tender asparagus, and not more than 10 percent, by count, of the units may be green and white and typical white: *Provided,* That not more than 2 percent, by count, of all the units are white.

(ii) *White, green tipped and white, or white and green tipped.* The units possess a good, characteristic color, typical of well developed and tender white or green tipped asparagus.

(c) *(C) classification.* If the canned asparagus possesses a fairly good color, a score of 14 to 16 points may be given. "Fairly good color" has the following meanings with respect to the following types and styles of canned asparagus:

(1) *Spears, tips, or points*—(i) *Green.* The units possess a fairly good, characteristic, green, light green, or purplish green color typical of fairly well developed and fairly tender asparagus and the bottom portion of not more than 20 percent, by count, of the units may possess typical white or yellowish white color not to exceed ½ of the length of the unit.

(ii) *Green-white.* The units possess a fairly good, characteristic, green, light green, or purplish green color typical of fairly well developed and fairly tender asparagus and typical white or yellowish white color at the base end: *Provided,* That not more than 10 percent, by count, of all the units may possess typical white or yellowish white color in excess of ½ of the length of the unit or may be all green.

(iii) *White.* The units possess a fairly good, characteristic, white or yellowish white color, typical of fairly well developed and fairly tender asparagus and not more than 20 percent, by count, of the units may possess light green or purplish green heads.

(iv) *Green tipped.* Not less than 80 percent, by count, of the units possess green, light green, or purplish green heads and adjacent areas not exceeding ½ of the length of the unit typical of fairly well developed and fairly tender asparagus: *Provided,* That none of the units are green or all green.

(v) *Green tipped and white or white and green tipped.* The units possess a fairly good, characteristic color typical of fairly well developed and fairly tender white or green tipped asparagus.

(2) *Cut spears and center cuts or cuts*—(i) *Green or all green.* The units possess a fairly good, characteristic, green, light green, or purplish green color typical of fairly well developed and fairly tender asparagus, and not more than 20 percent, by count, of the units may be green and white and typical white: *Provided,* That not more than 5 percent, by count, of all the units are white.

(ii) *White, green tipped and white, or white and green tipped.* The units possess a fairly good, characteristic color typical of fairly well developed and fairly tender white or green tipped asparagus.

(d) *(SStd.) classification.* Canned asparagus that fails to meet the requirements of paragraph (c) of this section or is definitely off color may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

§ 52.2553 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from grit or silt, loose material, shattered heads, poorly cut units, damaged units, and seriously damaged units.

(1) "Grit or silt" means sand or any other particle of earthy material.

(2) "Loose material" means shattered asparagus material and cut or broken pieces which are less than ⅜ inch in length.

(3) "Shattered head" means any unit with the asparagus head broken or shattered to the extent that the appearance is seriously affected.

(4) "Misshapen" means any spear, tip, or point that is badly crooked, or any unit that is seriously affected in appearance by doubles or other malformations.

(5) "Poorly cut" means a unit that has a very ragged, stringy, or frayed edge or edges, or a unit that is partially cut, or is cut at an angle of less than approximately 45 degrees.

(6) "Damaged" means damaged by discoloration, mechanical injury or damaged by other means to the extent that the appearance or edibility of the unit is materially affected.

(7) "Seriously damaged" means damaged to such an extent that the appearance or edibility of the unit is seriously affected.

(b) *(A) classification.* Canned asparagus that is practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that no grit or silt may be present that affects the appearance or edibility of the product; that loose material may be present that does not materially affect the appearance of the product; and that with respect to the following styles of canned asparagus:

(1) *Spears, tips, and points.* There may be present not more than 15 percent, by count, of units with shattered heads, misshapen units and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 5 percent, by count, of all the units may be damaged and seriously damaged, and of such units not more than ⅖ thereof or 2 percent, by count, of all the units may be seriously damaged: *And further provided,* That one unit with shattered head, or misshapen unit, or poorly cut unit, or damaged unit, or seriously damaged unit is permitted in a container if such unit exceeds the respective allowance of 15 percent, by count, or 5 percent, by count, or 2 percent, by count, of all the units.

(2) *Cut spears and center cuts or cuts.* There may be present not more than 10 percent, by count, of units with shattered heads, misshapen units and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 3 percent, by count, of all the units may be damaged and seriously damaged, and of such units not more than ⅓ thereof or 1 percent, by count, of all the units may be seriously damaged.

(c) *(C) classification.* If the canned asparagus is fairly free from defects, a score of 21 to 25 points may be given. Canned asparagus that falls into this classification on account of the presence of grit or silt, loose material, or damaged and seriously damaged units shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule) "Fairly free from defects" means that not more than a trace of grit or silt may be present that affects the appearance or edibility of the product; that loose material may be present that does not seriously affect the appearance of the product; and that with respect to the following styles of canned asparagus:

(1) *Spears, tips, and points.* There may be present not more than 30 percent, by count, of units with shattered heads, misshapen units and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 10 percent, by count, of all the units may be damaged and seriously damaged, and of such units not more than ½ thereof or 5 percent, by count, of all the units may be seriously damaged: *And further provided,* That one unit with shattered head, or misshapen unit, or

poorly cut unit, or damaged unit, or seriously damaged unit is permitted in a container if such unit exceeds the respective allowance of 30 percent, by count, or 10 percent, by count, or 5 percent, by count, of all the units.

(2) *Cut spears and center cuts or cuts.* There may be present not more than 15 percent, by count, of units with shattered heads, misshapen units and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 5 percent, by count, of all the units may be damaged and seriously damaged, and of such units not more than ⅖ thereof or 2 percent, by count, of all the units may be seriously damaged.

(d) (*SStd.*) *classification.* Canned asparagus that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

§ 52.2554 *Character*—(a) *General.* The factor of character refers to the degree of development of the head and bracts, and to the tenderness and texture of the unit.

(1) "Well developed" means that the appearance of the head is not materially affected by a seedy appearance, and is practically compact.

(2) "Fairly well developed" means that the head may show a seedy appearance over the surface of the head and the head and bracts may be elongated but not so developed or elongated as to give a definitely spread or branching appearance.

(b) (*A*) *classification.* Canned asparagus that possesses a good character may be given a score of 42 to 50 points. "Good character" has the following meanings with respect to the following styles of canned asparagus:

(1) *Spears, tips, and points.* Not less than 90 percent, by count, of the heads are well developed, and with respect to green or all green type, not more than 10 percent, by count, of the units, or one unit per container, whichever is larger, may possess tough fibers, and with respect to all other types, not more than 15 percent, by count, of all the units, or one unit per container, whichever is larger, may possess tough fibers in ⅓ or more of the length of the unit.

(2) *Cut spears and center cuts or cuts.* Not less than 50 percent, by count, of the heads are well developed and the remainder are fairly well developed, and with respect to the green and all green type, not more than 5 percent, by count, of the units may possess tough fibers, and with respect to all other types, not more than 15 percent, by count, of the units may possess tough fibers in ⅓ or more of the length of the unit.

(c) (*C*) *classification.* If the canned asparagus possesses a fairly good character, a score of 35 to 41 points may be given. Canned asparagus that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good character" has the following meanings with respect to the following styles of canned asparagus:

(1) *Spears, tips, and points.* Not less than 50 percent, by count, of the heads are well developed, and not more than 10 percent, by count, of the units fail to meet the requirements for fairly well developed heads, and with respect to green or all green type, not more than 20 percent, by count, of the units may possess tough fibers, and with respect to all other types, not more than 30 percent, by count, of the units may possess tough fibers in ⅓ or more of the length of the unit.

(2) *Cut spears and center cuts or cuts.* Not less than 80 percent, by count, of all the heads are at least fairly well developed, and with respect to green or all green type, not more than 10 percent, by count, of the units may possess tough fibers, and with respect to all other types, not more than 30 percent, by count, of the units may possess tough fibers in ⅓ or more of the length of the unit.

(d) (*SStd.*) *classification.* Canned asparagus that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 34 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

DEFINITIONS AND EXPLANATIONS

§ 52.2555 *Definitions and explanations of terms*—(a) *Head.* "Head" in cut spears means the tip end which has been cut from an asparagus shoot and which is ⅝ inch or more in length or the upper portion of a spear which possesses substantial compact head material which has been cut from near the tip end and which is approximately the same length as the predominating length of the units in the container.

(b) *Unit.* "Unit" means any individual portion of an asparagus shoot ⅜ inch or more in length in canned asparagus.

(c) *Percent, by count, of heads.* "Percent, by count, of heads" means the percent determined by averaging the percent, by count, of heads in all of the containers comprising the sample: *Provided,* That when cut into units 1¼ inches or less in length no individual container may contain less than 12 percent, by count, of heads, and when cut into units longer than 1¼ inches no container may contain less than 15 percent, by count, of heads.

(d) *Spears.* "Spears" means spears or stalks in canned asparagus.

(e) *Tough fibers.* "Tough fibers" means asparagus fibers in spears, tips, and points, and in cut spears and center cuts which are not cut through in 5 seconds or less when tested by means of the asparagus fiberometer, or which are tough when tested by any other method which gives equivalent results.

LOT CERTIFICATION TOLERANCES

§ 52.2556 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned asparagus the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2557 *Score sheet for canned asparagus.*

Number, size, and kind of container	
Label	
Container mark or identification	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
Type	
Style	
Size or sizes (spears, tips, and points)	
Length of cut	
Heads (cut) (percent by count)	

Factors	Score points		
Color	20	(A)	17–20
		(C)	14–16
		(SStd.)	[1] 0–13
Defects	30	(A)	26–30
		(C)	[2] 21–25
		(SStd.)	[1] 0–20
Character	50	(A)	42–50
		(C)	[1] 35–41
		(SStd.)	[1] 0–34
Total score	100		

Flavor (A, C, or SStd.)	
Grade	

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: January 25, 1955.

[SEAL] ROY W LENNARTSON,
Deputy Administrator
Marketing Services.

[F. R. Doc. 55-864; Filed, Jan. 28, 1955; 8:46 a. m.]

Agricultural Research Service

[9 CFR Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF PROPOSED AMENDMENTS TO RULES AND REGULATIONS OF CONTROL AGENCY

Notice is hereby given that the Control Agency administering the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement and Order, as amended, issued pursuant to Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781, 7 U. S. C. 851 et seq.) regulating the handling of anti-hog-cholera serum and hog-cholera virus, is considering the adoption of

amendments to the rules and regulations of the Control Agency as follows:

1. Delete the words "512 Porter Building" contained in § 131.201 and substitute therefor the words "512 Veterans of Foreign Wars Building"

2. Wherever the words "serum and virus" occur in §§ 131.211, 131.212, 131.214, 131.215, 131.255, 131.226, 131.230, 131.231, and 131.241, delete the word "and" therefrom and substitute therefor the word "or"

3. Amend § 131.223 to read as follows:

§ 131.223 *Specified quantities.* The term "specified quantities" as used in § 131.8 (b) means: (a) 15,000,000, or more, cubic centimeters of serum and 1,000,000, or more, cubic centimeters of virulent virus; or (b) such quantity of virus necessary to vaccinate not less than 500,000 swine in accordance with the manufacturer's recommendations.

4. Add new § 131.232 to read as follows:

§ 131.232 *Who resell principally to dealers.* The term "who resell principally to dealers" contained in §§ 131.8 and 131.211 means that not less than 75 percent of the handler's total sales of serum and virus shall be made to dealers. Such handler shall be a bona fide wholesaler of other products handled by him for the treatment of animals and poultry.

5. Amend § 131.242 as follows:

a. In the first paragraph of the application form, delete the words "under BAI Order 361" in all other instances where the words "BAI Order 361" appear in the application form delete the words "BAI Order 361" and substitute therefor the words "the Marketing Order as amended"

b. In Question 2 (c) following the word "Corporation" add the words "(list the officers and name state of incorporation)"

c. In Question 17 delete the words "Department of Agriculture, Bureau of Animal Industry" and substitute therefor the words "U. S. Department of Agriculture"

d. In the paragraph entitled "Applicant's Back Ground" Question 5 delete the words "Virus ____ cc's" and substitute therefor the words "Virulent Virus ____ cc's, Inactivated Virus ____ doses, Modified Virus which must be used with serum ____ doses, Modified Virus which may be used without serum ____ doses"

e. In the paragraph entitled "Storage Facilities" Question 2 delete the words "Virus ____ cc's" and substitute therefor the words "Virulent Virus ____ cc's, Inactivated Virus ____ doses, Modified Virus which must be used with serum ____ doses, Modified Virus which may be used without serum ____ doses"

f. In the paragraph entitled "Storage Facilities" Question 3 delete the words "Virus ____ cc's" and substitute therefor the words "Virulent Virus ____ cc's, Inactivated Virus ____ doses, Modified Virus which must be used with serum ____ doses, Modified Virus which may be used without serum ____ doses"

g. In the paragraph entitled "Shipping Facilities" delete Question 4 and substitute therefor the words:

4. Do you now pay shipping charges on serum and virus sold to your customers? ____

h. In the paragraph entitled "Shipping Facilities" delete Question 5 and substitute therefor the words:

5. Does your supplier drop ship for you? ____

i. At the end of the application form add the following:

[Any false, fictitious or fraudulent statement or representation on this form may subject the maker thereof to a fine of not more than $10,000.00 or imprisonment of not more than 5 years, or both.] (18 U. S. C. 1001.)

6. Amend § 131.227 by adding the following sentence at the end thereof: "The price applicable to a particular sale shall be the seller's posted price at the time of the delivery of the product sold."

7. Delete § 131.251 and substitute therefor the following §§ 131.251 and 131.252:

§ 131.251 *Filing of price list.* All price lists shall be filed with the office of the Executive Secretary on the form prescribed in § 131.252: *Provided, however* That the handlers filing price lists by telegram shall confirm the telegram by mailing on the same date the properly signed form of price list as prescribed in § 131.252.

§ 131.252 *Form of price list.*

No. ____

POSTED PRICES

In accordance with the provisions of the approved Marketing Agreement and Order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus, the undersigned files this price list and respectfully represents to the Secretary of Agriculture, the control agency and all other handlers that, during the period this price list is in effect, all serum and virus sold by the undersigned to buyers in the classes named herein will be at the following prices, discounts and terms of sale at time of delivery, it being understood that the term "time of delivery" means the time when physical possession of the products sold is surrendered by the undersigned to the buyer or to a carrier for and on behalf of the buyer.

Product	Price	Terms of sale and discounts
Consumers—owners of swine:		
Serum	per 100cc	
Virulent virus	per 100cc	
Inactivated virus	per dose	
Modified virus:		
Must be used with serum [1]	per dose	
May be used without serum [1]	per dose	
Dealers:		
Serum	per 100cc	
Virulent virus	per 100cc	
Inactivated virus	per dose	
Modified virus:		
Must be used with serum [1]	per dose	
May be used without serum [1]	per dose	
Wholesalers:		
Serum	per 100cc	
Virulent virus	per 100cc	
Inactivated virus	per dose	
Modified virus:		
Must be used with serum [1]	per dose	
May be used without serum [1]	per dose	

[1] The prices quoted are in accordance with the type as identified by the recommendations of the manufacturer as shown on the true container label of the product.

Where prices, terms of sale and discounts are omitted from this list with respect to any of the above classes of buyers, undersigned states that he makes no sales to such classes.

Signed ____
By ____
P O. address ____

8. Add new § 131.261 to read as follows:

§ 131.261 *Reports of sales and inventories.* Each producer handler shall make reports to the Chief, Animal Inspection and Quarantine Branch, United States Department of Agriculture, Washington, D. C., on forms prescribed by him, showing his monthly sales and inventories of serum and virus.

Opportunity is extended by the Control Agency to interested parties affected by or having an interest in the above-mentioned amendment to submit written data, views, or arguments in connection with the aforesaid amendment. Such data, views, or arguments shall be filed with the Executive Secretary of the Control Agency 512 Veterans of Foreign Wars Building, Kansas City, Missouri, not later than 15 days after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Dated this 12th day of January 1955.

CONTROL AGENCY,
[SEAL] TRUE DAVIS, JR.,
Chairman.

[F R. Doc. 55-891; Filed, Jan. 28, 1955; 8:51 a. m.]

Commodity Stabilization Service

[7 CFR Part 728]

WHEAT

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS AND COUNTY NORMAL YIELDS FOR 1956 CROP

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1332, 1333, 1334, 1335) the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1956 crop of wheat, to determine and proclaim the national acreage allotment for the 1956 crop of wheat, to apportion among States and counties the national acreage allotment for the 1956 crop of wheat, and to formulate regulations for establishing farm acreage allotments and county normal yields for the 1956 crop of wheat.

Section 335 of the act provides that whenever in the calendar year 1955 the Secretary determines (1) that the total supply of wheat for the 1955–56 marketing year will exceed the normal supply for such marketing year by more than 20 per centum, or (2) that the total supply of wheat for the 1954–55 marketing year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year does not exceed 66 per centum of

parity, the Secretary shall, not later than May 15, 1955, proclaim such fact and a national marketing quota shall be in effect on the marketing of wheat during the 1956–57 marketing year.

Section 333 of the act provides that the national acreage allotment shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop and imports, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof; but such allotment for any year shall not be less than 55 million acres. Section 332 of the act requires that the Secretary not later than May 15, 1955, shall ascertain and proclaim national acreage allotment for the 1956 crop of wheat.

As defined in section 301 of the act, for the purpose of these determinations, "total supply" for any marketing year is the carryover of wheat for such marketing year, plus the estimated production of wheat in the United States during the calendar year in which such marketing year begins and the estimated imports of wheat into the United States during such marketing year "normal supply" for any marketing year is the estimated domestic consumption of wheat for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of wheat for the marketing year for which normal supply is being determined, plus 20 per centum of such consumption and exports, with such adjustments for current trends in consumption and for unusual conditions as deemed necessary· "normal year's domestic consumption" of wheat is the yearly average quantity of wheat that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption, "normal year's exports" of wheat is the yearly average quantity of wheat produced in the United States that was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports; "marketing year" for wheat is the period July 1–June 30; and "national average yield" of wheat is the national average yield of wheat for the ten calendar years preceding the year in which such national average yield is used, adjusted for abnormal weather conditions and for trends in yields.

Section 334 (a) of the act requires that the national acreage allotment of wheat for the 1956 crop, less a reserve of not to exceed one per centum thereof, be apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1945–1954 (plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs) with adjustments for abnormal weather conditions and trends in acreage during such period. Section 334 (b) of the act requires that the State acreage allotment of wheat for the 1956 crop, less a reserve of not to exceed 3 per centum thereof, be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the ten calendar years 1945–1954 (plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs) with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices.

Section 335 (e) of the act provides that if for any marketing year, the acreage allotment for wheat for any State is twenty-five thousand acres or less, the Secretary in order to promote efficient administration of the act and the Agricultural Act of 1949 may designate such State as outside the commercial wheat-producing area for such marketing year. The acreage allotment for any other State shall not be increased by reason of such designation.

Section 334 (c) of the act requires that the allotment to the county be apportioned among the farms within the county on the basis of past acreage of wheat, tillable acres, crop-rotation practices, type of soil, and topography and provides that not more than 3 per centum of the State allotment be apportioned to farms on which wheat has not been planted for harvest during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

Section 301 (b) (13) of the act provides for the determination of county normal yields of wheat by taking the average yield per acre of wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Provision is also made that if for any year during such 10-year period the data are not available, or there is no actual yield, an appraised yield for such year shall be determined in accordance with regulations issued by the Secretary of Agriculture, and that such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the 10 years upon which the existing normal yield per acre for the county was based.

It is proposed that in connection with apportionment of the national wheat acreage allotment among States a reserve of from two tenths of one per centum to five tenths of one per centum of the national acreage allotment be first deducted therefrom for making additional acreage allotments to counties on the basis of their relative needs for additional allotment because of reclamation or other new areas coming into the production of wheat during the preceding ten calendar years as authorized by section 334 (a) of the act.

It is proposed that in connection with the apportionment of the State acreage allotments among counties the State Agricultural Stabilization and Conservation Committee for each State shall determine the percentage of the State acreage allotment, not in excess of three per centum, which shall be reserved for apportionment to farms in the State on which wheat will be produced for 1956 for the first time since 1952.

It is proposed that the regulations for establishing farm acreage allotments for the 1956 crop of wheat shall be substantially the same as those for the 1955 crop of wheat (19 F R. 3250, 6157, 6391) with the following exceptions:

1. The historical acreage for any farm shall be determined on the basis of the average wheat acreage on the farm for the three years 1952 through 1954, including acreage diverted under the 1954 program.

2. Where the base acreage for the farm determined under the regulations for the 1955 crop of wheat would be substantially the same as that under the proposed regulations, the 1955 base acreage may be used for 1956, and in cases where the base acreage for the farm determined under the regulations for 1954 (18 F R. 3161, 4047, 19 F R. 972) rather than the 1955 base acreage is representative for 1956 because of the established crop rotation system for the farm and such 1954 base acreage would be substantially the same as that under the proposed regulations, the 1954 base acreage may be used for 1956.

3. No provision will be made for the reapportionment of farm acreage allotments which are voluntarily released to the county Agricultural Stabilization and Conservation Committee since the statute authorizing such reapportionment does not apply to 1956 farm wheat acreage allotments.

4. No provision will be made for minimum farm acreage allotments for farms on which a summer fallow crop rotation of wheat has been practiced since the statute authorizing such minimum allotments for 1955 does not apply to 1956 farm wheat acreage allotments.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments for the 1956 crop of wheat and the formulation of regulations for the establishment of farm acreage allotments and county normal yields for the 1956 crop of wheat consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 26th day of January 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator

[F R. Doc. 55–892; Filed, Jan. 28, 1955; 8:52 a. m.]

DEPARTMENT OF LABOR

Public Contracts Division

[41 CFR Part 202]

DETERMINATION OF PREVAILING MINIMUM WAGES FOR BITUMINOUS COAL INDUSTRY

NOTICE OF CHANGE OF PLACE OF PUBLIC HEARING

On January 1, 1955, notice was published in the FEDERAL REGISTER that a public hearing would be held on Tuesday February 1, 1955, at 10:00 a. m., Archives Auditorium, Eighth Street and Pennsylvania Avenue NW., Washington, D. C., on the determination of the prevailing minimum wages for the bituminous coal industry in the performance of contracts with agencies of the United States Government subject to the Walsh-Healey Public Contracts Act.

Notice is hereby given that this hearing will be held at the Smithsonsian Institution Auditorium, Tenth Street and Constitution Avenue NW., Washington, D. C., at the same time and date as stated in the notice of January 1, 1955, and as stated herein.

Signed at Washington, D. C., this 26th day of January 1955.

ARTHUR LARSON,
Acting Secretary of Labor

[F. R. Doc. 55-898; Filed, Jan. 28, 1955; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Muskogee Area Office Redelegation Order 1]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATIONS OF AUTHORITY

PART 1—GENERAL

Sec.
1.1 [1] Appeals.
1.2 Limitations.

PART 2—AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENT, AND OFFICERS IN CHARGE OF AREA FIELD OFFICES

FUNCTIONS RELATING TO LANDS AND MINERALS

2.11 Tax exemption certificates.
2.12 Leases and permits.
2.16 Mineral leases and permits.

FUNCTIONS RELATING TO MEDICAL, HOSPITAL, AND NURSING SERVICES

2.251 Enforcement of State health laws.
2.252 Quarantine of Indians.
2.253 Commitment of insane Indians.

PART 1—GENERAL

SECTION 1.1 *Appeals.* Any action taken by any Superintendent or other officer pursuant to Part 2 of this order shall be subject to the right of appeal. An appeal may be taken from the decision of such Superintendent or other officer to the Area Director, Muskogee Area Office. An appeal must be filed in writing with such Superintendent or other officer and shall be promptly transmitted by him with the record in the case to the Area Director, Muskogee Area Office. Any action taken by the Area Director pursuant to this order shall be subject to the right of appeal to the Commissioner of Indian Affairs, pursuant to section 1 (a) of Order 551, as amended, of the Bureau of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1 (a) of Order 2508, as amended, of the Secretary of the Interior.

SEC. 1.2 *Limitations.* Delegations of authority made by this Order are not to be construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs.

PART 2—AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENT, AND OFFICERS IN CHARGE OF AREA FIELD OFFICES

Subject to the provisions of Part 1, Superintendents, School Superintendent, and Officers in charge of Area Field Offices may exercise the authority of the Area Director as indicated in this part.

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.11 *Tax exemption certificates.* The issuance of tax exemption certificates covering lands designated as tax exempt under the provisions of the acts of June 20, 1936 (49 Stat. 1542) as amended by the act of May 19, 1937 (25 U. S. C., 1946 ed., sec. 412a) and May 10, 1928 (45 Stat. 495) as amended May 24, 1928 (45 Stat. 733)

SEC. 2.12 *Leases and permits.* The approval of leases and permits of tribal and individually owned trust or restricted lands for farming, farm pasture, or business purposes, pursuant to the provisions of 25 CFR Part 171. This authority does not extent to the waiver of requirements for advertising of leases or permits or to the waiver of acreage limitations on farm and farm pasture lands.

SEC. 2.16 *Mineral leases and permits.* (a) The approval of coal, sand, gravel, pumice, and building stone leases and permits of tribal and trust or restricted individually owned lands.

(b) The authority delegated in this section does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes.

(2) Approval of instruments providing for the payment of overriding royalty.

(3) Assignments of separate horizons or strata of the subsurface.

FUNCTIONS RELATING TO MEDICAL, HOSPITAL, AND NURSING SERVICES

SEC. 2.251 *Enforcement of State health laws.* The extension of State health laws and regulations to Indian reservations, pursuant to the provisions of 25 CFR 84.78.

SEC. 2.252 *Quarantine of Indians.* The quarantine of Indians refusing to submit to remedial treatment of contagious or infectious diseases, pursuant to the provisions of 25 CFR Part 84.

SEC. 2.253 *Commitment of insane Indians.* The commitment of insane Indians to State hospitals or institutions, pursuant to the provisions of 25 CFR Part 86.

PAUL L. FICKINGER,
Area Director

Approved. January 24, 1955.

W BARTON GREENWOOD,
Acting Commissioner

[F R. Doc. 55-856; Filed, Jan. 28, 1955; 8:45 a. m.]

[1] Note: In Parts 1 and 2, the section numbers appearing to the right of the decimal correspond to the section numbers used in Order No. 551, as amended, of the Bureau of Indian Affairs.

Office of the Secretary

[Order 2640, Amdt. 8]

DIRECTOR, NATIONAL PARK SERVICE

DELEGATION OF AUTHORITY TO ISSUE SPECIAL REGULATIONS

JANUARY 24, 1955.

Order No. 2640, as amended (16 F R. 5846, 11934, 17 F R. 482, 964, 18 F R. 2832, 6789· 19 F R. 1937) is further amended to add a new section, numbered 37, and reading as follows:

SEC. 37. *Authority to issue special regulations.* The Director is authorized to issue such rules and regulations as would amend, by additions, revision, or revocation, special regulations contained in Part 20, Chapter I, Title 36, Code of Federal Regulations.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

DOUGLAS MCKAY,
Secretary of the Interior

[F R. Doc. 55-858; Filed, Jan. 28, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

ADDITIONS TO JANUARY 1955 DOMESTIC AND EXPORT SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F R. 6669) and subject to the conditions stated therein, the price lists for January 1955 (20 F R. 256) are hereby amended to provide for, (1) sales of limited quantities of butter for export on a competitive offer basis, and (2) sales of nonfat, dry milk solids for

use as animal feed. These are additional to and are not substitutes for the announcements for these products shown on the respective lists. The January 1955 lists are amended by adding the following:

JANUARY 1955 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Salted creamery butter,[1] 10,000,000 pounds.	Competitive offer basis, f. a. s. vessel at port of export or point of storage under Announcement LD-7. Offers may be made on U. S. Grade A or U. S. Grade B butter. Offers will be considered Monday of each week beginning Jan. 24, 1955, until 10,000,000 pounds are sold or the program is terminated, but no additional quantities will be offered on this basis before Mar. 1, 1955. Offers should be submitted to the Livestock and Dairy Division, Commodity Stabilization Service, USDA, Washington 25, D. C.

JANUARY 1955 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic price list
Nonfat dry milk solids [1] (for animal and poultry feed).	Delivered as follows: 11½ cents per pound in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Michigan. 12½ cents per pound in all other States and District of Columbia. Sales to be made under Announcement LD-14 and Supplements. Available Cincinnati and Portland CSS Commodity Offices.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: January 25, 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-866; Filed, Jan. 28, 1955; 8:47 a. m.]

Foreign Agricultural Service

DIRECTOR OF FOREIGN TRADE PROGRAMS DIVISION

REDELEGATION OF AUTHORITY TO ISSUE FAS FORM 480-A AUTHORIZATIONS

By virtue of the authority vested in me by the Secretary of Agriculture on November 19, 1954 (19 F. R. 7526 §§ 11.1 (h) and 11.4) the Director, Foreign Trade Programs Division, is authorized, effective January 3, 1955, to issue FAS Form 480-A authorizations for the procurement of surplus agricultural commodities and ocean transportation under the program carried out pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480)

Dated: January 25, 1955.

[SEAL] W G. LODWICK,
Administrator
Foreign Agricultural Service.

[F. R. Doc. 55-893; Filed, Jan. 28, 1955; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN EXPORT LINES, INC., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 7963, between American Export Lines, Inc. and Bull Insular Line, Inc., covers the transportation of gunny sacks, hessian cloth and jute under through bills of lading from India and Pakistan to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia.

(2) Agreement No. 7982-1, between Osaka Shosen Kaisha, Ltd. and Nippon Yusen Kaisha, Ltd., modifies approved sailing agreement No. 7982 to provide that either party shall have the option of increasing or decreasing its sailings in the trade covered by such agreement, i. e., from Pacific Coast ports of the United States to Great Britain, Northern Ireland, Eire, Continental, Baltic and Scandinavian ports, and the Mediterranean Sea.

(3) Agreement No. 8005, between American Export Lines, Inc., American President Lines, Ltd., Bull-Insular Line, Inc., American Stevedores Co., Inc., Packet Shipping Corporation, et al., providing for the fixing of charges to be assessed truckers for the service of loading or unloading, or assisting in loading or unloading of freight (carried by or consigned for transportation by common carriers by water in foreign commerce and in commerce to and from territories and possessions of the United States onto or from trucks at piers in the Port of Greater New York and vicinity

(4) Agreement No. 8013, between American President Lines, Ltd., and Alcoa Steamship Company Inc., covers the transportation of cargo under through bills of lading from France to Puerto Rico with transhipment at New York.

(5) Agreement No. 8015, between Thos. & Jno. Brocklebank, Ltd., and Bull Insular Line, Inc., covers the transportation of gunny sacks, hessian cloth and jute under through bills of lading from India and Pakistan to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia.

(6) Agreement No. 2846-7, between the member lines of the West Coast of Italy Sicilian and Adriatic Ports/North Atlantic Range Conference, modifies the basic agreement of that conference (No. 2846) to provide that the required deposit of members to guarantee faithful performance under the agreement shall be maintained in the full amount provided, and that failure to make the required original deposit or to maintain it in the amount required shall constitute a breach of the agreement and subject the offending line to expulsion or suspension of voting rights.

(7) Agreement No. 8011, between Thorden Lines, A. B., and Alcoa Steamship Company Inc., covers the transportation of general cargo under through bills of lading from Copenhagen, Denmark, to Puerto Rico, with transshipment at New York; Baltimore or Norfolk.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 26, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-896; Filed, Jan. 28, 1955; 8:53 a. m.]

Federal Maritime Board and Maritime Administration

[Docket No. S-52]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF HEARING

Notice is hereby given that a hearing has been authorized and directed to be held concerning the application of American President Lines, Ltd., for (A) written permission under section 805 (a) of the Merchant Marine Act, 1936, as amended, to carry domestic cargoes between California and Hawaii in its subsidized cargo vessels operating on Trade Route 29, Freight Service F and (B) authorization, under section 605 (c) of said act, to lift and discharge at Hawaii, with these vessels, cargoes to and from foreign ports within the trading area of Trade Route 29.

The purpose of the hearing is to receive evidence relevant to the following:

(1) Whether the applicant or a predecessor in interest was in bona fide operation as a common carrier by water in the domestic trade described in (A) above in 1935 over the route for which application is made and has so operated since that time, except as to interruptions to service over which the applicant or its predecessor in interest had no control, and if not (a) whether granting such application will result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service or (b)

would be prejudicial to the objects and policy of the said act;

(2) Whether the application with respect to the service described in (B) above is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon;

(3) Whether the application with respect to the service described in (B) above is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry and, if so, whether the effect of the subsidy contract as concerns this service would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines;

(4) Whether it is necessary to enter into such contract as concerns the service described in (B) above in order to provide adequate service by vessels of United States registry The hearing will be conducted in accordance with the Board's and Administration's rules of practice and procedure.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Secretary of the Board and the Administration accordingly on or before February 15, 1955, and should promptly file intervening petitions in accordance with said rules of practice and procedure.

Dated: January 26, 1955.

By Order of the Federal Maritime Board and Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F R. Doc. 55-897; Filed, Jan. 28, 1955; 8:53 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

CHIEF OF DIVISION OF ACCOUNTS AND AUDITS ET AL.

DELEGATION OF AUTHORITY TO SIGN CERTAIN PAPERS AND DOCUMENTS AND PERFORM OTHER FUNCTIONS AND DUTIES

On December 31, 1954, the Acting Secretary of Labor, by virtue of and pursuant to the authority vested in him by R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 6 of 1950 (15 F R. 3174, 64 Stat. 1263) and the act of April 17, 1946 (60 Stat. 91, 5 U. S. C. 611a) issued Instruction No. 3 (Revised) superseding all prior administrative orders or instructions inconsistent with it, in which authority to sign certain papers and documents and perform other functions and duties was delegated to persons in the Office of the Administrative Assistant Secretary as follows:

1. The Chief of the Division of Accounts and Audits is authorized to sign the following: All payrolls and all classes of vouchers payable from funds appropriated or made available to the Department or to any bureau, division, office, or service of the Department of Labor· schedules covering all classes of vouchers and claims presented to the General Accounting Office; and all accounts, schedules, forms, and statements with respect to funds appropriated or made available to the Department of Labor or to any bureau, division, office or service of the Department of Labor rendered by or to the Disbursing Office of the Treasury Department, the Bureau of the Budget, and other Government departments and agencies.

2. The Chief, Branch of Administrative Audit and Payroll, the Chief, Section of Audit, and the Time, Leave and Payroll Supervisor in the Division of Accounts and Audits are authorized to sign all classes of vouchers payable from funds appropriated or made available to the Department of Labor or to any bureau, division, office, or service of the Department of Labor.

3. The Chief, Division of Office Services, is authorized to negotiate and execute leases for rental of premises and contracts for telephone, electric, drayage, and other recurring services obligating funds available for such expenses appropriated or allotted to the Department of Labor or to any bureau, division, office or service of the Department of Labor.

4. The Chief, Division of Procurement, Supplies and Reproduction Processes, is authorized to sign orders for supplies, equipment, and services obligating funds available for such purposes appropriated or allotted to the Department of Labor or to any bureau, division, office, or service of the Department of Labor, and to approve orders for books, newspapers, periodicals, and commercial and labor reporting services placed by the Librarian.

5. The Administrative Assistant Secretary and the Assistant to the Administrative Assistant Secretary are authorized to perform any or all of the functions and duties described above and to authorize such advertising as may be deemed necessary for the efficient operations of the Department. The Administrative Assistant Secretary may issue such rules and regulations as may be deemed necessary to carry out the purposes of this instruction.

Signed at Washington, D. C., this 21st day of January 1955.

STUART ROTHMAN,
Solictor

[F R. Doc. 55-861; Filed, Jan. 28, 1955; 8:46 a. m.]

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended, 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below· conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F R. 3326)

Big Dad Manufacturing Co., Inc., Starke, Fla., effective 1-14-55 to 1-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, dungarees, and sport shirts)

Carolina Maid Products, Inc., Granite Quarry, N. C., effective 1-14-55 to 1-13-56; 6 learners for normal labor turnover purposes, in the manufacture of dresses (women's and misses' dresses).

Eastwill Sportswear Co., Inc., Greenwood, S. C., effective 2-2-55 to 2-1-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

George Manufacturing Corp., 407 Beechurst Avenue, Morgantown, W. Va., effective 1-13-55 to 1-12-56; 5 learners for normal labor turnover purposes (ladies' and children's blouses and dresses).

Isaac Ginsberg & Bros., Inc., 27 East Genesee Street, Auburn, N. Y., effective 1-15-55 to 1-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses)

Huggins Garment Co., Inc., Due West, S. C., effective 1-26-55 to 1-25-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport and utility shirts).

Huggins Garment Co., Inc., Donalds, S. C., effective 1-29-55 to 1-28-56; 5 learners for normal labor turnover purposes (men's sport and utility shirts).

L & H Shirt Co., Cochran, Ga., effective 7-10-55 to 1-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' dress and sport shirts).

Lenoir Shirt Co., 501 East Caswell Street, Kinston, N. C., effective 1-22-55 to 1-21-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

Miller & Co., 1549 Lawrence Street, Denver, Colo., effective 1-11-55 to 1-10-56; 10 per cent of the total number of factory production workers for normal labor turnover purposes (men's shirts).

Oberman Manufacturing Co., Arkadelphia, Ark., effective 1-16-55 to 1-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants)

Pella Manufacturing Corp., 707 East Third Street, Pella, Iowa, effective 1-14-55 to 1-13-56; 5 learners for normal labor turnover purposes (overalls and dungarees).

Perfect Maid Apparel Co., 372 North Main Street, Taylor, Pa., effective 1-13-55 to 1-12-56; 5 learners for normal labor turnover purposes (children's dresses).

Reidbord Bros. Co., Blairton, Washington Township, Westmoreland County (mail address: R. D. #2, Apollo), Pa., effective 1-12-55 to 7-11-55; 35 learners for plant expansion purposes (men's and boys' trousers; men's work shirts).

Smith Bros. Manufacturing Co., Carthage, Mo., effective 1-11-55 to 1-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls, jeans, and jackets)

Smith Bros. Manufacturing Co., Lamar, Mo., effective 1-11-55 to 1-10-56; 10 learners for normal labor turnover purposes (blue jeans and cossack coats).

Smith Bros. Manufacturing Co., Neosho, Mo., effective 1-11-55 to 1-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' jeans and shorts).

Smith Bros. Manufacturing Co., Fourth and Francis Streets, St. Joseph, Mo., effective 1-10-55 to 1-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls, pants, one-piece suits, jackets, and dungarees)

Smith Bros. Manufacturing Co., Webb City, Mo., effective 1-11-55 to 1-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Tennessee Overall Co., 401 North Atlantic, Tullahoma, Tenn., effective 1-17-55 to 1-16-56; 10 learners for normal labor turnover purposes (overalls, dungarees, and work pants).

Twin City Manufacturing Co., Twin City, Ga., effective 1-17-55 to 1-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport and dress shirts).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F R. 8633)

El Moro Cigar Co., corner South Greene Street and Edwards Place, Greensboro, N. C., effective 1-14-55 to 1-13-56; not in excess of 10 percent of the total number of workers engaged in the occupation of cigar machine operating, for 320 hours, at 65 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F R. 3292)

The Boss Manufacturing Co., Gregory and Harrington Streets, Cisco, Tex., effective 1-14-55 to 7-13-55; 15 learners for plant expansion purposes (work gloves)

The Boss Manufacturing Co., Gregory and Harrington Streets, Cisco, Tex., effective 1-14-55 to 1-13-56; 10 percent of the total number of machine stitchers, for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F R. 1761)

Athens Hosiery Mills, Inc., Athens, Tenn., effective 1-25-55 to 1-24-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hose).

Belmont Hosiery Mills, Inc., Belmont, N. C., effective 1-25-55 to 1-24-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hose)

Fieldcrest Hosiery Mill, Fieldale, Va., effective 1-25-55 to 1-24-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned hose)

Virginia Maid Hosiery Mills, Inc., Pulaski, Va., effective 1-25-55 to 1-24-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned hose).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F R. 12866)

Porter Mills, Inc., Second and Elizabeth Streets, Cullman, Ala., effective 1-14-55 to 1-13-56; 5 learners for normal labor turnover purposes (knitted outerwear and underwear).

Wonderknit Corporation, Plant No. 2 (West Galax), Galax, Va., effective 1-13-55 to 7-12-55; 40 learners for plant expansion purposes (knit shirts).

Wonderknit Corporation, Plant No. 1, East Virginia Street, Galax, Va., effective 1-13-55 to 7-12-55; 40 learners for plant expansion purposes (knit shirts).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F R. 1500)

Carolina Maid Products, Inc., Granite Quarry, N. C., effective 1-14-55 to 1-13-56; 4 learners for normal labor turnover purposes in the manufacture of bedroom slippers (bed room slippers).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of January 1955.

MILTON BROOKE,
Authorized Representative of the Administrator

[F R. Doc. 55-860; Filed, Jan 28, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-300]

ACCIDENT OCCURRING AT PINELLAS AIRPORT, ST. PETERSBURG, FLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 33369, which occured at Pinellas Airport, St. Petersburg, Florida, on January 10, 1955.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday February 10, 1955, at 9:00 a. m. (local time) in the Hillsboro Hotel, 512 Florida Avenue, Tampa, Florida.

Dated at Washington, D. C., January 25, 1955.

[SEAL] WILL SIEVERT,
Presiding Officer

[F R. Doc. 55-888; Filed, Jan. 28, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3269]

J. P EVANS, EAST-WEST SYNDICATE

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 25, 1955.

Take notice that J. P Evans, East-West Syndicate (Applicant) a partnership whose address is Jackson, Mississippi, filed on September 27, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in Baxterville Field, Marion County Mississippi, which it sells to United Gas Pipe Line Company in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY
Secretary.

[F R. Doc. 55-870; Filed, Jan. 28, 1955; 8:48 a. m.]

[Docket No. G-3851]

H. R. SMITH ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 25, 1955.

Take notice that H. R. Smith (Applicant) an operator whose address is Alice, Texas, filed on September 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as

hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Riverdale Field, Goliad County, Texas, which he sells to Texas Eastern Transmission Corporation in interstate commerce for resale. Deliveries are made to Wilcox Trend Gathering System, Inc., for transportation.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 55-871; Filed, Jan. 28, 1955; 8:48 a. m.]

[Docket No. G-4089]

PIPE LINE CONSTRUCTION AND DRILLING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 25, 1955.

Take notice that Pipe Line Construction and Drilling Company (Applicant) a Delaware corporation whose address is Charleston, West Virginia, filed on October 4, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Williamson Field, Mingo County West Virginia, which it sells to United Fuel Gas Company in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application. *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 55-872; Filed, Jan. 28, 1955; 8:48 a. m.]

[Docket No. G-4117]

DELTA GULF DRILLING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 25, 1955.

Take notice that Delta Gulf Drilling Company (Applicant) a Delaware corporation whose address is Tyler, Texas, filed on October 4, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in East Alice Field, Jim Wells County Texas, which it sells to Tennessee Gas Transmission Company in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 23, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 55-873; Filed, Jan. 28, 1955; 8:48 a. m.]

[Docket Nos. G-4359, G-4360, G-4361, G-4362, G-4419]

SOHIO PETROLEUM CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 25, 1955.

Take notice that Sohio Petroleum Company (Applicant) an Ohio corporation whose address is Cleveland, Ohio, filed on October 11 and 14, 1954, applications for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces natural gas in the indicated fields, which it sells to the designated purchasers in interstate commerce as follows:

Docket No.	Purchaser	Location of field
G-4359	Trunkline Gas Co	Nona Mills Field, Hardin County, Tex.
G-4360	Tennessee Gas Transmission Co	Los Indios Field, Hidalgo County, Tex.
G-4361	do	LaReforma Field, Hidalgo and Starr Counties, Tex.
G-4362	Cities Service Gas Co	West Edmond Lime Unit, Logan, Oklahoma, Kingfisher and Canadian Counties, Okla.
G-4419	Tennessee Gas Transmission Co	El Ebanito Field, Starr County, Tex.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 23, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power

Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-874; Filed, Jan. 28, 1955; 8:49 a. m.]

[Docket No. G-4366]

HUNT OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 25, 1955.

Take notice that Hunt Oil Company (Applicant) a Delaware corporation whose address is Dallas, Texas, filed on October 12, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the indicated fields, which it sells to the designated purchasers in interstate commerce, as follows:

Purchaser	Contract date	Location of field
Texas Gas Transmission Corp	July 1, 1952	Carthage Field, Panola County, Tex.
Arkansas Louisiana Gas Co	July 19, 1950	East Haynesville Field, Claiborne Parish, La.
Do	Dec. 18, 1952	Do.
Do	Oct. 21, 1953	Do.
United Gas Pipe Line Co	July 7, 1952	Duck Lake Feld, St. Mary and St. Martin Parishes, La.
Southern Natural Gas Co	July 30, 1948	Gwinville Field, Jefferson Davis and Simpson Counties, Miss.
El Paso Natural Gas Co	Aug. 30, 1949	Dollarhide Gasoline Plant, Andrews County, Tex.
United Gas Pipe Line Co	Feb. 1, 1946	Carthage Field, Panola County, Tex.
Do	Mar. 13, 1945	Do.
Texas Eastern Transmission Corp	Sept. 13, 1947	Southwest Dubach Processing Plant, Hico-Knowles Field, Lincoln Parish, La.
Tennessee Gas Transmission Co		Carthage Company Plant, Bethany Area, Carthage Field, Panola County, Tex.
Arkansas Louisiana Gas Co	Aug. 1, 1950	Waskom Field, Harrison County, Tex.
Do	Mar. 13, 1951	Ada Field, Webster Parish, La.
Do	Dec. 1, 1953	Waskom Field, Caddo Parish, La.
United Gas Pipe Line Co	July 10, 1950	So-So Gas Field, Jones County, Miss.
Do	Apr. 29, 1940	Cotton Valley Field, Webster Parish, La.
Louisiana Nevada Transit Co	Oct. 24, 1940	Do.
Texas Gas Transmission Corp	June 3, 1948	Plant, Carthage Field, Panola County, Tex.
Arkansas Louisiana Gas Co	June 5, 1951	Simsboro Gas Field, Lincoln Parish, La.
Southern Natural Gas Co.[1]	Mar. 13, 1950	Gwinville Field, Jefferson Davis County, Miss.
United Gas Pipe Line Co	Aug. 21, 1946	Bethany Field, Panola County, Tex.
Do	June 15, 1950 and June 20, 1950	Do.

[1] Hunt is a non-operator. Humble, operator, filed for its interest only, Docket No. G-3501. Contract is between Humble and Southern.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 23, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application. *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-875; Filed, Jan. 28, 1955; 8:49 a. m.]

[Docket No. G-4887]

F WILLIAM CARR ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 25, 1955.

Take notice that F William Carr, et al. (Applicant) an individual whose address is Corpus Christi, Texas, filed on November 16, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Sunset Field, Live Oak County Texas, which he proposes to sell to Wilcox Trend Gathering System in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end;

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 24, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 4th day of February 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-876; Filed, Jan. 28, 1955; 8:49 a. m.]

[Docket No. G-5211]

CRYSTAL OIL REFINING CORP

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 25, 1955.

Take notice that Crystal Oil Refining Corporation (Applicant) a Maryland corporation whose address is Shreveport, Louisiana, filed on November 22, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant, a non-operator, produces natural gas in the Ivan Field, Bossier Parish, Louisiana, which it proposes to sell to Arkansas Louisiana Gas Company in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Febru-

ary 24, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 55-877; Filed, Jan. 28, 1955; 8:49 a. m.]

[Docket No. G-5741]

L. D. NUTTER, AGENT FOR V B. MCCONKEY LEASE

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 24, 1955.

Take notice that L. D. Nutter, Agent for V B. McConkey Lease (Applicant) an individual whose address is 200 E. Third Street, Weston, West Virginia, filed an application on November 24, 1954, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Salt Lick District, Braxton County West Virginia, to Equitable Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 17, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 11, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 55-868; Filed, Jan. 28, 1955; 8:47 a. m.]

[Docket No. G-5918]

FOREST GAS AND OIL CO.

NOTICE OF APPLICATION

JANUARY 24, 1955.

Take notice that the Forest Gas & Oil Company (Applicant) an Ohio corporation with its principal place of business in Forest, Ohio, filed an application on November 26, 1954, for an order, pursuant to section 7 (a) of the National Gas Act, directing the Ohio Fuel Gas Company to establish physical connection of its natural gas transportation facilities with the facilities of, and sell natural gas to, the Applicant for distribution to Applicant's customers in Jackson Township, Hardin and Wyandot Counties, Ohio.

Applicant states that it is engaged in the business of producing and distributing natural gas in Jackson Township, Hardin County Ohio, in which the Village of Forest, Ohio, is located; furnishing at present 315 retain and commercial services with gas for other than space heating.

Applicant has, since 1888, obtained its supply of gas from its own production in the local area and up to 1950 furnished gas for full domestic and commercial service, including space heating, as well as industrial service as required. Applicant states further, that, in 1950 it became apparent the supply from the local wells would be insufficient to serve the potential existing load.

In 1953, Applicant was authorized by the Public Utilities Commission of Ohio to abandon space heating service to the Village of Forest.

Applicant has secured a new franchise from the Council of the Village of Forest for a period of 20 years, extending from the time of signing of service agreement with the Ohio Fuel Gas Company.

The present population of the Village of Forest is 1100. Applicant proposes to make full and complete gas service available in the Village. Applicant estimates that required first to fifth year, inclusive, its annual requirements will be 35,000 Mcf, 40,000 Mcf, 45,000 Mcf, 52,000 Mcf, and 60,000 Mcf, respectively Estimated peak day demands first to fifth year, inclusive, are 250 Mcf, 280 Mcf, 300 Mcf, 350 Mcf, and 400 Mcf, respectively

Applicant proposes to take delivery of natural gas from the Ohio Fuel Gas Company at a point approximately 7 miles due east of Forest, Ohio, and proposes to construct and operate pipe line facilities of sufficient capacity to serve the Village.

Applicant states that it will be unnecessary for the Ohio Fuel Gas Company to construct any facilities to furnish the service herein requested, other than those designed to measure and regulate natural gas.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10) on or before February 7, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-869; Filed, Jan. 28, 1955; 8:48 a. m.]

[Docket No. E-6601]

PENNSYLVANIA POWER & LIGHT CO. AND SCRANTON ELECTRIC CO.

NOTICE OF APPLICATION

JANUARY 24, 1955.

Notice is hereby given that on January 14, 1955, a joint application was filed with the Commission pursuant to section 203 of the Federal Power Act by Pennsylvania Power & Light Company (Pennsylvania) and the Scranton Electric Company (Scranton) both corporations organized under the laws of the State of Pennsylvania, and doing business in said State with their principal business offices at Allentown and Scranton, respectively seeking an order authorizing the merger of the jurisdictional facilities of both companies. Pennsylvania proposes to acquire all of the properties of Scranton and assume all of the debts and liabilities of the latter including (a) all the outstanding long-term debt—the principal amount of which outstanding at October 31, 1954 was $18,500,000; and (b) all the outstanding short-term debt of Scranton—the principal amount of which outstanding at October 31, 1954 was $1,000,000· the cancellation at the effective date of the merger of all the shares of Scranton stock then owned by Pennsylvania, the issuance of securities of Pennsylvania in exchange for all the outstanding shares of Scranton stocks not owned by Pennsylvania at the effective date of the merger as follows: (a) ½ share of Pennsylvania Common Stock for each share of Scranton Common Stock (only full shares of Pennsylvania Common Stock will be issued and in lieu of any fractions of a share of such stock a cash payment will be made therefor) (b) one share of Pennsylvania 4.40 percent Series Preferred Stock for each share of Scranton 4.40 percent Cumulative Preferred Stocks; and (c) one share of Pennsylvania 3.35 percent Series Preferred Stock for each share of Scranton 3.35 percent Cumulative Preferred Stock. Pennsylvania, upon the consummation of the proposed merger,

will be the surviving corporation; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 19th day of February 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 55-867; Filed, Jan. 28, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3053]

WEST TEXAS UTILITIES CO.

ORDER REGARDING EXTENSION OF TIME TO MAKE BANK BORROWINGS

JANUARY 25, 1955.

West Texas Utilities Company ("West Texas") a public-utility subsidiary of Central and South West Corporation ("Central and South West") a registered holding company has filed a post-effective amendment to its declaration in the above-entitled matter under sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 (a) (2) thereunder.

On May 19, 1953, the Commission issued its Order (Holding Company Act Release No. 11929) permitting a declaration of West Texas to become effective wherein it proposed to issue, from time to time on or before December 1, 1954, to six banks named therein, promissory notes maturing May 19, 1955, and having an aggregate face amount of $5,500,000, except that no notes evidencing borrowings under the credit agreement with the banks would be issued after the expiration of one year from the date of the Commission's order unless a post-effective amendment was first filed and permitted to become effective.

The proceeds of the proposed loans were to be used to finance, temporarily part of the company's construction expenditures during the two years following the date of the Commission's order. It was contemplated that the notes would be paid at or prior to maturity from the proceeds of the issue and sale of such securities as might be deemed appropriate in the light of market conditions, and approved by the Commission.

West Texas represents that it has made borrowings from said banks under its credit agreement with them in the aggregate amount of $3,850,000, and has issued its 3¼ percent notes to said banks, maturing May 19, 1955, to evidence such borrowings.

West Texas now proposes to make further borrowings from said banks aggregating $1,650,000, on or prior to February 1, 1955, pursuant to the terms of its credit agreement, as amended by letter agreements dated May 15, 1953 and October 28, 1954 extending to February 1, 1955 the time within which to make such bank borrowings and to evidence such borrowings by the issuance of its notes to said banks, to be dated as of the date of such borrowings and bearing interest at the rate of 3¼ percent per annum from the date thereof to their maturity on May 19, 1955.

Declarant represents that the proceeds of said borrowings are required to finance the construction expenditures of the company and that said credit agreement, as extended, will terminate on February 1, 1955. West Texas presently contemplates that the $5,500,000 principal amount of 3¼ percent notes payable to be outstanding will be discharged at or prior to the maturity date thereof (May 19, 1955) from proceeds of (a) the sale of common stock for $1,000,000 to Central and South West and (b) the sale of $7,000,000 principal amount of first mortgage bonds.

West Texas requests that the Commission issue an order permitting its aforesaid amendment (or said declaration, as amended) to become effective as promptly as possible, in order that the proposed borrowings may be made by the company as soon as possible, and, in any event, not later than February 1, 1955.

Due notice of the filing of said amendment having been given and no hearing having been requested of, or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied, and that said declaration, as amended, should be permitted to become effective forthwith.

It is ordered, Pursuant to Rule U-23, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 55-862; Filed, Jan. 28, 1955; 8:46 a. m.]

[File No. 31-164]

EASTERN GAS AND FUEL ASSOCIATES

NOTICE OF FILING OF AMENDED APPLICATION FOR EXEMPTION

JANUARY 25, 1955.

Notice is hereby given that Eastern Gas and Fuel Associates ("Eastern") a voluntary association organized under the laws of the Commonwealth of Massachusetts, which is a holding company with both utility and non-utility subsidiaries, has filed with this Commission its Fifth Amended Application ("Application") seeking an order under section 3 of the Public Utility Holding Company Act of 1935 ("act") particularly subsections (a) (1) and (a) (3) (B) thereof, exempting it as a holding company and its subsidiaries as such from all provisions of the act.

Eastern's initial application for exemption was filed in 1935 and was subsequently amended on various occasions. In 1944 the Commission ordered a hearing on Eastern's application (Holding Company Act Release No. 4901) During the pendency of the exemption proceedings, Eastern filed a notice of limited registration, pursuant to section 5 (a) of the act, for the purpose of revising its capital structure in order to conform to the standards of section 11 (b) (2) of the act. Thereafter, Eastern filed a plan of recapitalization, pursuant to section 11 (e) of the act. On February 3, 1950, the Commission issued its Findings and Opinion and Order approving Eastern's plan of recapitalization, which plan has been consummated (Holding Company Act Release No. 9633) In its said Findings and Opinion the Commission stated, among other things, that upon compliance with section 11 (b) (2) of the act Eastern would be entitled to an exemption under section 3 (a) (1) of the act "unless and except in so far as * * * [the Commission] finds the exemption detrimental to the public interest or the interest of investors or consumers"

The instant Application is intended to supersede all prior applications filed by Eastern. Eastern alleges that the granting of the requested exemption at this time would not be detrimental to the public interest or the interest of investors or consumers. Reference is made to said Application for a complete statement of all the allegations therein contained, which may be summarized as follows:

Eastern is engaged directly and through its subsidiaries in the production, purchase, transportation and sale of bituminous coal, the conversion of coal into coke and other products, the distribution and sale of these products, the operation of gas and electric facilities, and the conduct of certain additional operations. During the year 1953 Eastern operated 15 coal mines in Pennsylvania and West Virginia. A substantial amount of the coal produced or purchased by Eastern is transported by the Virginian Railway Company an indirect subsidiary to tidewater Virginia, and thence by Eastern's fleet of colliers to various consumers along the Atlantic Coast, including its own coke plant at Everett, Massachusetts, and affiliated coke plants at Philadelphia, Pennsylvania, and New Haven, Connecticut, where the coal is converted into coke, gas, tar and other by-products. The gas manufactured at the Philadelphia and New Haven coke plants is sold under contract to non-affiliated local public utility companies, and the gas produced at Everett is sold to Eastern's only public-utility subsidiary Boston Consolidated Gas Company ("Consolidated Gas") which distributes gas at retail in the City of Boston and numerous adjacent communities in Massachusetts. Consolidated Gas also distributes electric energy in the Charlestown district of Boston, which energy it purchases from Boston Edison Company a non-affiliated utility company. Another subsidiary of Eastern, Algonquin Gas Transmission Company ("Algonquin") which owns and operates a gas pipeline extending from Lambertville, New Jersey to Everett, sells natural gas at wholesale to customers in New England, including Consolidated Gas. Prior to September 10, 1953 when natu-

ral gas (of 1050 B. t. u.'s per Mcf.) from Algonquin's pipeline first became available to it, Consolidated Gas distributed manufactured gas of about 530 B. t. u. content consisting principally of coke-oven gas purchased from Eastern's plant at Everett. Since that date Consolidated Gas has distributed to the great majority of its customers, including those in the City of Boston, a mixture of coke-oven and natural gas, with a thermal content of 581 B. t. u.'s per Mcf. To a small number of its customers in the outlying service areas, Consolidated Gas is now distributing straight natural gas.

In addition to its coal mines, colliers, and coke plant, Eastern owns and operates a chain of department stores, largely in the communities where it conducts its coal mining operations; it maintains numerous sales offices in metropolitan centers for the sale of coal; it owns and operates coal and coke storage and distribution yards; it buys and sells diesel oil along the Atlantic seaboard; it owns a fleet of tow boats; and it owns and operates minor facilities for the generation and distribution of electric energy at Everett, with gross sales of $24,987 during the year 1953.

The following chart indicates the companies in Eastern's system, their mutual relationships, the percentage of voting control, the state of incorporation, and the nature of the principal business of each company:

Company	Percent of voting control	State of incorporation	Business
Eastern Gas & Fuel Associates	----	Massachusetts (organized as a voluntary association).	Coal mining; sale of coke and oil; operation of retail stores, colliers, blast furnace and coke plant.
Algonquin Gas Transmission Co	36.8	Delaware	Transmission of natural gas.
Atlantic Bulk Trading Corp	100.0	Republic of Liberia	Operation of colliers.
Boston Consolidated Gas Co	100.0	Massachusetts	Gas and electric utility.
Boston Tow Boat Co	100.0	do	Operation of tug boats.
Castner, Curran & Bullitt, Inc	100.0	Virginia	Sale of coal, coke and other fuels for export and bunkers.
The Connecticut Coke Co	100.0	Connecticut	Operation of coke plant.
Doane Commercial Towing Co	100.0	Massachusetts	(1).
Indian Creek Valley Mine Drainage Co	87.5	Pennsylvania	Mine drainage.
Mystic Iron Works	100.0	Massachusetts	Sale of pig iron from Eastern's blast furnace.
New England Coal & Coke Co	100.0	do	Sale of coal and oil.
New England Coke Co	100.0	do	Sale of coke.
Philadelphia Coke Co	100.0	Pennsylvania	Operation of coke plant.
"Seam" Vessel Chartering Corp	100.0	Massachusetts	Chartering vessels.
Winstock Land Corp	100.0	West Virginia	Real estate operations.
Wyatt, Inc	25.0	Connecticut	Distribution of fuel.
The Virginian Corp	96.8	Delaware	Nonutility holding company.
The Virginian Railway Co	[2] 30.5	Virginia	Railroad common carrier.
Patterson Oil Co	100.0	Delaware	Distribution of oil.
Patterson Terminals, Inc	100.0	New Jersey	Storage of bulk liquids.

[1] This subsidiary has no tangible properties or other substantial assets and is kept in existence by paying franchise taxes only to preserve its corporate name and for other reasons of convenience.
[2] Represented by 723,162 shares (57.8 percent) of common stock.

Eastern's consolidated capitalization and surplus as of November 30, 1954, were as follows:

	Amount	Percent
Long-term debt (due after 1 year)	$48,888,125	33.8
Preferred stock, 4½ percent	24,637,300	17.1
Common stock equity:		
Common stock ($10 par value)	25,808,680	17.9
Capital surplus	35,186,774	24.3
Earned surplus	9,922,540	6.9
Total common stock equity	70,917,994	49.1
Total capitalization and surplus	144,443,419	100.0

Eastern consolidates its financial statements only with its wholly owned subsidiaries. Its investments in its other subsidiaries (of which Algonquin and the Virginian Corporation are the most important) are carried in an account designated "Investments and Other Assets" in a combined amount of approximately $20,000,000. As of November 30, 1954, Eastern's balance sheet showed total consolidated assets (depreciated) in the amount of $169,740,749, of which $55,874,146 represented the assets (depreciated) of Consolidated Gas. Eastern's statement of consolidated income for the twelve months' period ended November 30, 1954 showed total net sales and operating revenues in the amount of $123,234,647, of which $27,266,064 represented gross revenues of Consolidated Gas. Eastern's consolidated net income for said period was $2,782,953, of which $2,080,333 represented the net income of Consolidated Gas. Since its reorganization, Eastern has paid regular dividends on its preferred stock, and also quarterly dividends on its common stock.

Eastern states that all of the utility operations of its system are carried on exclusively within the Commonwealth of Massachusetts, and that said operations are under the jurisdiction of the Massachusetts Department of Public Utilities ("D. P U.") which has and exercises comprehensive jurisdiction for the protection of the public interest and the interests of investors and consumers. Eastern represents that under Massachusetts law the D. P U. has complete supervisory authority over the gas-purchase contracts between Consolidated Gas and Eastern. There is included in the instant filing a copy of an opinion dated June 16, 1954 wherein the D. P U. approved a proposed contract for the purchase by Consolidated Gas of not more than 25,000 Mcf per day of 530 DTU coke-oven gas from Eastern's plant at Everett. In its opinion the D. P U. stated. "The question still remains as to whether Boston's [Consolidated Gas'] proposal to continue to serve a mixed gas, such as is contemplated, under this contract, is in the public interest. * * * We believe * * * [the General Court] meant us to inquire as to whether it is advisable or in the public interest for Boston to buy coke-oven gas or whether a prudent and independent management would be in a position now to turn to full natural gas in all areas. Boston has contracted with its supplier for only enough natural gas to supply mixed gas in its mains. * * * Furthermore, we are aware of the fact that Algonquin Gas Tranmission Company, its supplier, is still another affiliated corporation. * * * We are not here determining whether Boston should buy coke-oven gas. It is at liberty in the performance of the management of its affairs to continue to serve its customers with a mixed gas. But it cannot do so to the detriment of its customers. Consequently, we are here deciding only whether the price to be charged by Eastern to Boston for this gas is fair and reasonable in view of the possibility of an alternative method of service. If it is not, we believe we should refuse to approve the contract unless it is modified accordingly" It appears from the opinion of the D. P U. that in connection with the approval of the proposed contract between Consolidated Gas and Eastern the D. P U. further stated " * * * we believe that this situation demands a complete and impartial review at a relatively early date, and we do not believe that we would be justified in freezing this contract price for the period of three years, with the concomitant two-year termination notice required by the proposed contract. We are aware of the desirability of having long-term commitments in matters of this sort, but we are not convinced that adequate technical attention has been given to the matter from the point of view of the public. The actual results of a full year's operations under mixed gas conditions will be available shortly after January 1, 1955. To allow sufficient time for further investigation under our auspies and in view of such results, we believe we should limit the contract term in such a way that new arrangements will have to be made between Boston and Eastern by the middle of 1955."

Notice is further given that any interested person may not later than February 24, 1955, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any raised by said Application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said Application may be granted as filed or as hereinafter further amended, or the Commission may take such other action as it may deem proper under the circumstances.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F R. Doc. 55-863; Filed, Jan. 28, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30175]

SILICA SAND FROM WISCONSIN, ILLINOIS, IOWA AND MINNESOTA TO THE SOUTHWEST

APPLICATION FOR RELIEF

JANUARY 26, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Silica sand, in covered hopper cars, carloads.

From. Specified points in Wisconsin, Illinois, Iowa and Minnesota.

To: Points in southwestern territory Kansas and Missouri.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 4135, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-879; Filed, Jan. 28, 1955; 8:50 a. m.]

[4th Sec. Application 30177]

ALUMINUM SKIMMINGS FROM JONES MILL AND GUM SPRINGS, ARK. TO BALTIMORE, MD.

APPLICATION FOR RELIEF

JANUARY 26, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Aluminum skimmings (waste) in carloads.

From: Jones Mill and Gum Springs, Ark.

To: Baltimore, Md.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates; F C. Kratzmeir, Agent, I. C. C. 3908, supp. 224.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-881; Filed, Jan. 28, 1955; 8:50 a. m.]

[4th Sec. Application 30180]

BITUMINOUS FINE COAL FROM PEORIA-FULTON COUNTY, ILL., GROUP TO CHICAGO, ILL., AND RELATED POINTS

APPLICATION FOR RELIEF

JANUARY 26, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The Minneapolis & St. Louis Railway Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Bituminous fine coal, carloads.

From. Points in the Peoria-Fulton County, Ill., group.

To: Chicago, Ill., and points taking same rates, and adjacent points.

Grounds for relief: Rail competition, circuity and market competition.

Schedules filed containing proposed rates: Minneapolis & St. Louis Railway Company, I. C. C. No. 89, supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-884; Filed, Jan. 28, 1955; 8:50 a. m.]

[4th Sec. Application 30181]

BITUMINOUS COAL FROM ILLINOIS TO MISSOURI

APPLICATION FOR RELIEF

JANUARY 26, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The New York Central Railroad Company for itself and on behalf of carriers parties to schedules listed below.

Commodities involved. Bituminous coal, in carloads.

From: Mines in Harrisburg, Ill., (southern Illinois) group.

To: Points in Missouri.

Grounds for relief: Rail competition, circuity market competition, and to maintain grouping.

Schedules filed containing proposed rates: New York Central Railroad Co., I. C. C. No. 1306, supp. 83 R. G. Raasch, Agent, I. C. C. No. 788, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F. R. Doc. 55-885; Filed, Jan. 28, 1955; 8:50 a. m.]